

Hartzog	Lock
Howard	London
Hull	Mays
Johnson of Tarrant	McDonald
Kerr	Mohrmann
King	Petsch
Leonard	Ragsdale
Leyendecker	Reaves

Absent—Excused

Broadfoot	Schuenemann
Colquitt	Smith of Hopkins
Davis of Upshur	Vale
Dowell	Waggoner
Harp	White
Oliver	

ADJOURNMENT

On motion of Mr. Hull, the House,
at 10:45 o'clock a. m., adjourned until
10:00 o'clock a. m., next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed
favorable reports on bills, as follows:

Public Health: House Bill No. 361.
Education: Senate Bill No. 297.

SIXTY-FIRST DAY

(Monday, April 24, 1939)

The House met at 10:00 o'clock a.
m., pursuant to adjournment, and was
called to order by Speaker Morse.

The roll of the House was called,
and the following Members were present:

Mr. Speaker	Bray
Allen	Bridgers
Allison	Broadfoot
Alsup	Brown of Cherokee
Anderson	Brown
Bailey	of Nacogdoches
Baker	Bundy
of Fort Bend	Burkett
Baker of Grayson	Burney
Blankenship	Cauthorn
Bell	Celaya
Boethel	Chambers
Bond	Clark
Boyd	Cleveland
Boyer	Cockrell
Bradbury	Coleman
Bradford	Colquitt

Colson, Mrs.	McAlister
Cornett	McDaniel
Corry	McDonald
Crossley	McFarland
Daniel	McMurry
Davis of Jasper	McNamara
Davis of Upshur	Mohrmann
Dean	Monkhouse
Derden	Montgomery
Dickison	Morris
Dickson	Newell
Donaghey	Nicholson
Dwyer	Oliver
Faulkner	Pace
Felty	Petsch
Ferguson	Pevehouse
Fielden	Piner
Fuchs	Pope
Galbreath	Ragsdale
Gilmer	Reader of Bexar
Goodman	Reader of Erath
Gordon, Mrs.	Reaves
Hale	Reed
Hamilton	Rhodes
Hankamer	Riviere
Hardeman	Roach
Hardin	Roberts
Harp	Robinson
Harper	Russell
Harrell of Bastrop	Segrist
Harrell of Lamar	Shell
Harris	Skiles
Hartzog	Smith of Frio
Heflin	Smith of Hopkins
Holland	Smith
Howard	of Matagorda
Howington	Spencer
Hull	Stinson
Hunt	Stoll
Isaacks	Talbert
Johnson of Ellis	Tarwater
Johnson of Tarrant	Taylor
Keith	Tennant
Kennedy	Thornberry
Kern	Thornton
Kerr	Turner
Kersey	Vint
Kinard	Voigt
King	Waggoner
Langdon	Weldon
Lehman	Wells
Leonard	Westbrook
Leyendecker	White
Little	Wilson
Lock	Winfree
Loggins	Wood
London	Worley
Mays	Wright

Absent—Excused

Dowell	Vale
Schuenemann	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, with a realization of our national problems we pray that our President and other leaders in world affairs may have a double portion of understanding as they seek peace amid disturbance. Our own tasks challenge our strength and best judgment. Leave us not to ourselves, but in grace and mercy consider our need and direct our activities today. For Christ's sake. Amen."

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence of account of illness:

Mr. Dowell for today and the balance of the week, on motion of Mr. Morris.

Mr. Schuenemann was granted leave of absence for this morning on account of important business, on motion of Mr. Shell.

RELATIVE TO HOUSE BILL NO. 988

On motion of Mr. Riviere, and by unanimous consent of the House, the following amendment was ordered adopted to House Bill No. 988:

Amend House Bill No. 988, by changing the word "defense" to "defendant".

RELATIVE TO EXECUTIONS ON SUNDAYS

Mr. Baker of Grayson offered the following resolution:

H. S. R. No. 241, Relative to executions on Sunday.

Whereas, On Sunday morning, April 23rd, 1939, two prisoners were executed at the State Penitentiary at Huntsville, Texas; and

Whereas, Such executions were the first in the history of our State to take place on Sunday; and

Whereas, Sunday is the Lord's day, having been set apart by Our Maker as a day of rest and worship; now, therefore, be it

Resolved by the House of Representatives of the Forty-sixth Legislature, That the Board of Pardons and Parole be requested and urged not to again allow executions to occur on the Lord's day.

The resolution was read second time.

Mr. Thornberry moved that the resolution be referred to the Committee on Penitentiaries.

Mr. Baker of Grayson moved to table the motion to refer.

The motion to table was lost.

Question then recurring on the motion to refer the resolution to the Committee on Penitentiaries, it prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, April 24, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has concurred in House amendments to Senate Bill No. 24 by the following vote: Yeas, 23; Nays, 0.

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILL NO. 153 ON SECOND READING

The Speaker laid before the House, as special order, on its second reading and passage to engrossment,

H. B. No. 153, A bill to be entitled "An Act empowering the courts of the State of Texas having original jurisdiction of criminal actions to suspend the imposition or execution of sentence and to place defendant on probation under certain conditions; specifying conditions of probation which, among others, may be imposed; providing for investigation by probation officers, of the defendants seeking to come within the provisions of this Act; prescribing the period of probation and any extensions thereof; amending Articles 776, 777, and 778, Code of Criminal Procedure of Texas; providing for the discharge of defendants who have observed the conditions of probation imposed by the courts and the legal effect of such discharge; etc., and declaring an emergency."

The bill was read second time.

Mr. Bond offered the following committee amendment to the bill:

Amend House Bill No. 153, Section 2, by striking out Subsection (i).

(Pending consideration of the committee amendment, Mr. Little occupied the Chair, temporarily.)

(Speaker in the Chair.)

Question recurring on the committee amendment, it was adopted.

Mr. Thornton offered the following amendments to the bill:

Amend House Bill No. 153, by striking out all of Section 25.

Amend House Bill No. 153, by striking out on page 6, all of line 14, after the period, and all of lines 15, 16, 17 and through the period on line 18.

Amend House Bill No. 153, on page 6, by striking out the semi-colon on line 26, and insert in lieu thereof a period, and striking out the rest of line 26 and all of lines 27 and 28.

Amend House Bill No. 153, by striking out the first comma on line 38 on page 7, and inserting in lieu thereof a period, and striking out the rest of lines 38 and 39 through the period.

Amend House Bill No. 153, by striking out the word "shall" in line 19, page 6, and insert in lieu thereof, the word "may".

The amendments were severally adopted.

Mr. McNamara offered the following amendment to the bill:

Amend House Bill No. 153, by striking out all of Section 14.

The amendment was adopted.

Mr. Holland offered the following amendment to the bill:

Amend House Bill No. 153, page 2, line 11, by striking out the following words on lines 11 and 12: "The Courts of the State of Texas having original jurisdiction of criminal actions", and insert in lieu thereof, the following: "The courts of this State in which any criminal action is originally tried".

The amendment was adopted.

Mr. Holland offered the following amendment to the bill:

Amend House Bill No. 153, page 2, Section 1, by striking out the words and figures "fifteen (15)" on line 17, and insert in lieu thereof the words and figures "ten (10)", and by striking out the words and figures "seven (7)" on lines 19, and 20, and insert in lieu thereof "five (5)".

Mr. Davis of Upshur offered the following substitute for the amendment by Mr. Holland:

Amend House Bill No. 153, page 2,

Section 1, line 17, by striking therefrom the words and figures "fifteen (15) years", and insert in lieu thereof the words and figures "five (5) years".

On motion of Mr. Bond, the substitute amendment by Mr. Davis of Upshur was tabled.

Question then recurring on the amendment by Mr. Holland, it was adopted.

Mr. Holland offered the following amendment to the bill:

Amend House Bill No. 153, page 3, by striking out all of Section 4.

Mr. Alsop moved the previous question, on the pending amendment, and the passage of House Bill No. 153 to engrossment, and the main question was ordered.

(Pending consideration of the amendment by Mr. Holland, Mr. Hartzog occupied the Chair, temporarily.)

(Speaker in the Chair.)

Question recurring on the amendment by Mr. Holland, it was lost.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 153 was then passed to engrossment.

HOUSE BILL NO. 153 ON THIRD READING

Mr. Bond moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 153 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Allison	Brown of Cherokee
Anderson	Brown
Bailey	of Nacogdoches
Baker	Bundy
of Fort Bend	Burkett
Baker of Grayson	Burney
Bell	Cauthorn
Blankenship	Celaya
Boethel	Clark
Bond	Cleveland
Boyd	Coleman
Boyer	Colson, Mrs.
Bradbury	Cornett
Bray	Corry
Bridgers	Crossley

Daniel	McDonald
Davis of Jasper	McFarland
Dickson	McMurry
Dwyer	Monkhouse
Felty	Montgomery
Ferguson	Morris
Fielden	Newell
Galbreath	Nicholson
Goodman	Oliver
Hale	Pace
Hamilton	Pevehouse
Hankamer	Piner
Hardeman	Pope
Hardin	Ragsdale
Harper	Reader of Erath
Harrell of Bastrop	Reed
Harrell of Lamar	Rhodes
Harris	Riviere
Hartzog	Segrist
Heflin	Shell
Holland	Skiles
Howard	Smith of Frio
Hull	Smith of Hopkins
Isaacks	Smith
Johnson of Ellis	of Matagorda
Johnson of Tarrant	Spencer
Keith	Stinson
Kennedy	Talbert
Kerr	Tarwater
Kersey	Taylor
Kinard	Thornberry
King	Turner
Langdon	Vint
Lehman	Weldon
Leyendecker	Wells
Little	Westbrook
Lock	White
Loggins	Winfree
London	Wood
Mays	Worley
McDaniel	Wright

Nays—23

Allen	McAlister
Alsop	McNamara
Bradford	Mohrmann
Chambers	Roach
Cockrell	Roberts
Davis of Upshur	Robinson
Derden	Russell
Donaghey	Stoll
Faulkner	Tennant
Gilmer	Thornton
Howington	Wilson
Kern	

Present—Not Voting

Reaves

Absent

Broadfoot	Dickison
Colquitt	Fuchs
Dean	Gordon, Mrs.

Harp	Reader of Bexar
Hunt	Voigt
Leonard	Waggoner
Petsch	

Absent—Excused

Dowell	Vale
Schuenemann	

The Speaker then laid House Bill No. 153 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—109

Allison	Harrell of Bastrop
Anderson	Harrell of Lamar
Bailey	Harris
Baker	Hartzog
of Fort Bend	Heflin
Baker of Grayson	Holland
Bell	Howard
Blankenship	Hull
Boethel	Isaacks
Bond	Johnson of Ellis
Boyd	Johnson of Tarrant
Boyer	Keith
Bradbury	Kennedy
Bray	Kinard
Bridgers	King
Broadfoot	Langdon
Brown of Cherokee	Lehman
Brown	Leyendecker
of Nacogdoches	Little
Burkett	Lock
Cauthorn	Loggins
Clark	London
Cleveland	Mays
Coleman	McDaniel
Colson, Mrs.	McDonald
Cornett	McFarland
Corry	McMurry
Crossley	Monkhouse
Daniel	Montgomery
Davis of Jasper	Morris
Dickison	Newell
Dwyer	Nicholson
Felty	Oliver
Ferguson	Petsch
Fielden	Pevehouse
Fuchs	Piner
Galbreath	Pope
Goodman	Ragsdale
Gordon, Mrs.	Reader of Erath
Hale	Reed
Hamilton	Rhodes
Hankamer	Riviere
Hardeman	Roach
Hardin	Russell
Harp	Segrist
Harper	Smith of Frio

Smith of Hopkins	Vint
Smith	Waggoner
of Matagorda	Weldon
Spencer	Wells
Stinson	Westbrook
Talbert	White
Tarwater	Winfree
Taylor	Wood
Thornberry	Worley
Turner	Wright

Nays—26

Allen	Kerr
Alsup	Kersey
Bradford	McAlister
Burney	McNamara
Chambers	Mohrmann
Cockrell	Pace
Davis of Upshur	Roberts
Derden	Robinson
Donaghey	Stoll
Faulkner	Tennant
Gilmer	Thornton
Howington	Voigt
Kern	Wilson

Present—Not Voting

Reaves

Absent

Bundy	Hunt
Celaya	Leonard
Colquitt	Reader of Bexar
Dean	Shell
Dickson	Skiles

Absent—Excused

Dowell	Vale
Schuenemann	

HOUSE BILL NO. 92 WITH SEN-
ATE AMENDMENTS

Mr. McAlister called up, for consideration at this time, with Senate amendments, for consideration of the amendments,

H. B. No. 92, A bill to be entitled "An Act amending Article 2618 of the Revised Civil Statutes of 1925, changing the status of John Tarleton Agricultural College from a Junior College to a standard four-year college, and providing for a course of study for said College; and amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to the name of North Texas Agricultural College, and placing said school under the Board of

Directors of the Agricultural and Mechanical College of Texas; and amending Article 2621 of the Revised Civil Statutes of 1925, changing the status of said junior college to a standard four-year college, and providing for a course of study for the same; and expressly repealing Articles 2622 and 2623 of the Revised Civil Statutes of 1925, and declaring an emergency."

Mr. McAlister moved that the House concur in the Senate amendments.

Mr. Alsup moved, as a substitute motion, that the House do not concur in the Senate amendments, and that a Conference Committee be requested to adjust the differences between the two Houses on the bill.

Mr. McDonald moved that the motion by Mr. McAlister, and the substitute motion by Mr. Alsup, be indefinitely postponed.

Mr. McAlister moved to table the motion to postpone.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called, and the vote announced, as follows: Yeas, 68; Nays, 65.

A verification of the vote was requested.

Mr. Reader of Erath moved a call of the House, pending the verification, and the call was duly ordered.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

Yeas—68

Allison	Dickison
Alsup	Dwyer
Anderson	Ferguson
Baker of Grayson	Fielden
Bell	Galbreath
Blankenship	Gordon, Mrs.
Boethel	Hamilton
Boyer	Hankamer
Bradford	Harp
Broadfoot	Harrell of Bastrop
Burney	Harris
Cauthorn	Hartzog
Celaya	Holland
Clark	Howard
Cleveland	Howington
Cockrell	Hull
Corry	Johnson of Ellis
Daniel	Johnson of Tarrant
Davis of Upshur	King
Dean	Langdon
Derden	Little

Lock	Reed
Loggins	Russell
London	Segrist
McAlister	Smith
McDaniel	of Matagorda
McNamara	Stinson
Monkhouse	Talbert
Montgomery	Tarwater
Pevehouse	Taylor
Piner	Wells
Pope	Wilson
Ragsdale	Winfree
Reader of Bexar	Wright
Reader of Erath	

Nays—65

Allen	Leyendecker
Bailey	Mays
Baker	McDonald
of Fort Bend	McFarland
Bond	McMurry
Boyd	Mohrmann
Bradbury	Morris
Bray	Newell
Brown of Cherokee	Nicholson
Brown	Oliver
of Nacogdoches	Pace
Bundy	Petsch
Burkett	Reaves
Coleman	Rhodes
Colquitt	Riviere
Colson, Mrs.	Roach
Cornett	Roberts
Crossley	Robinson
Davis of Jasper	Skiles
Donaghey	Smith of Frio
Faulkner	Smith of Hopkins
Fuchs	Stoll
Gilmer	Tennant
Goodman	Thornberry
Hale	Thornton
Hardeman	Turner
Hunt	Vint
Keith	Voigt
Kennedy	Waggoner
Kern	Weldon
Kerr	Westbrook
Kersey	White
Kinard	Wood
Lehman	

Present—Not Voting

Spencer

Absent

Bridgers	Harrell of Lamar
Chambers	Heflin
Dickson	Isaacks
Felty	Leonard
Hardin	Shell
Harper	Worley

Absent—Excused

Dowell	Vale
Schuenemann	

The Speaker announced that the motion to table prevailed.

Mr. Reader of Bexar moved the previous question, on the motion by Mr. McAlister, and the substitute motion by Mr. Alsup, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Blankenship moved to table the substitute motion by Mr. Alsup.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—60

Allison	Howington
Anderson	Hull
Bell	Johnson of Ellis
Blankenship	Johnson of Tarrant
Boyer	Langdon
Bradford	Little
Broadfoot	Lock
Burney	Loggins
Celaya	London
Clark	McAlister
Cleveland	McDaniel
Cockrell	McNamara
Corry	Monkhouse
Daniel	Montgomery
Davis of Jasper	Pevehouse
Davis of Upshur	Pope
Dean	Ragsdale
Derden	Reader of Bexar
Dwyer	Reader of Erath
Ferguson	Reed
Fielden	Russell
Galbreath	Segrist
Hamilton	Smith
Hardin	of Matagorda
Harp	Stinson
Harrell of Bastrop	Tarwater
Harrell of Lamar	Taylor
Harris	Wells
Heflin	Winfree
Holland	Wright
Howard	

Nays—78

Allen	Brown of Cherokee
Alsup	Brown
Bailey	of Nacogdoches
Baker	Bundy
of Fort Bend	Burkett
Baker of Grayson	Cauthorn
Boethel	Chambers
Bond	Coleman
Boyd	Colquitt
Bradbury	Colson, Mrs.
Bray	Cornett
Bridgers	Crossley

Dickson	Newell
Donaghey	Nicholson
Faulkner	Oliver
Fuchs	Pace
Gilmer	Petsch
Goodman	Reaves
Gordon, Mrs.	Rhodes
Hale	Riviere
Hankamer	Roach
Hardeman	Roberts
Harper	Robinson
Hunt	Skiles
Keith	Smith of Frio
Kennedy	Smith of Hopkins
Kern	Spencer
Kerr	Stoll
Kersey	Tennant
Kinard	Thornberry
King	Thornton
Lehman	Turner
Leonard	Vint
Leyendecker	Voigt
Mays	Waggoner
McDonald	Weldon
McFarland	Westbrook
McMurry	White
Mohrmann	Wood
Morris	Worley

Absent

Dickison	Piner
Felty	Shell
Hartzog	Talbert
Isaacks	Wilson

Absent—Excused

Dowell	Vale
Schuenemann	

Question then recurring on the substitute motion by Mr. Alsup, yeas and nays were demanded.

The substitute motion prevailed by the following vote:

Yeas—84

Allen	Cauthorn
Alsup	Chambers
Bailey	Cockrell
Baker	Coleman
of Fort Bend	Colquitt
Baker of Grayson	Colson, Mrs.
Boethel	Cornett
Bond	Crossley
Boyd	Davis of Jasper
Bradbury	Dickison
Bridgers	Dickson
Brown of Cherokee	Donaghey
Brown	Dwyer
of Nacogdoches	Faulkner
Bundy	Ferguson
Burkett	Fuchs

Galbreath	Nicholson
Gilmer	Oliver
Goodman	Petsch
Gordon, Mrs.	Reader of Bexar
Hale	Reaves
Hankamer	Riviere
Hardeman	Roach
Harper	Roberts
Harrell of Lamar	Robinson
Hunt	Russell
Keith	Skiles
Kennedy	Smith of Frio
Kern	Smith of Hopkins
Kerr	Spencer
Kersey	Stoll
Kinard	Tennant
King	Thornberry
Lehman	Thornton
Leonard	Turner
Leyendecker	Vint
Mays	Voigt
McDonald	Waggoner
McFarland	Weldon
McMurry	Westbrook
Mohrmann	White
Morris	Wood
Newell	Worley

Nays—47

Allison	Johnson of Tarrant
Anderson	Langdon
Bell	Lock
Boyer	Loggins
Bradford	London
Bray	McAlister
Broadfoot	McDaniel
Burney	McNamara
Clark	Monkhouse
Cleveland	Montgomery
Corry	Pace
Daniel	Pevehouse
Davis of Upshur	Ragsdale
Dean	Reader of Erath
Derden	Reed
Hamilton	Rhodes
Harp	Segrist
Harrell of Bastrop	Smith
Harris	of Matagorda
Holland	Stinson
Howard	Taylor
Howington	Wells
Hull	Winfree
Johnson of Ellis	Wright

Absent

Blankenship	Little
Celaya	Piner
Felty	Pope
Fielden	Shell
Hardin	Talbert
Hartzog	Tarwater
Heflin	Wilson
Isaacks	

Absent—Excused

Dowell Vale
Schuenemann

Mr. Alsup moved to reconsider the vote by which the substitute motion prevailed, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGES FROM THE GOVERNOR

The Speaker laid before the House, and had read the following messages from the Governor:

April 24, 1939.

To the Members of the House of Representatives of the Forty-sixth Legislature:

In compliance with the terms of House Concurrent Resolution No. 107, I am herewith returning House Bill No. 380 to your body for such further consideration as you wish to give it.

Very truly yours,
W. LEE O'DANIEL,
Governor.

April 22, 1939.

To the Members of the House of Representatives of the Forty-sixth Legislature:

In compliance with the terms of House Concurrent Resolution No. 109, I am herewith returning House Bill No. 194 to your body for such further consideration as you wish to give it.

Very truly yours,
W. LEE O'DANIEL,
Governor.

HOUSE BILL NO. 518 WITH SENATE AMENDMENTS

Mr. Hartzog called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 518, A bill to be entitled "An Act making it unlawful for any person to engage in fishing from any causeway, bridge or structure located on any highway being maintained by the State Highway Department; making the violation of this Act a misdemeanor and providing a penalty for violation, and declaring an emergency."

Mr. Hartzog moved that the House do not concur in the Senate amendments, and that a Conference Com-

mittee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on House Bill No. 518: Messrs. Monkhouse, Hartzog, Harde- man, Corry and Shell.

RELATIVE TO HOUSE BILLS
NOS. 996 AND 997

On motion of Mr. Gilmer, and by unanimous consent of the House, the captions of House Bills Nos. 996 and 997 were ordered amended to conform to all changes and with the body of the bills.

HOUSE BILL NO. 95 WITH SENATE AMENDMENTS

Mr. Keith called up from the Speaker's table, with Senate amendments, for consideration of the amend- ments,

H. B. No. 95, A bill to be entitled "An Act to amend Articles 5024, 5025, 5026, 5029, and 5032 of Chapter 20, Title 78 of the Revised Civil Statutes of Texas, 1925, relating to indemnity contracts by reciprocal or inter- insurance exchanges and to fix the extent of liability of subscribers at such exchanges and to repeal all laws and parts of laws in conflict there- with, and declaring an emergency."

On motion of Mr. Keith, the House concurred in the Senate amendments by the following vote:

Yeas—132

Allison	Brown
Alsup	of Nacogdoches
Bailey	Bundy
Baker	Burkett
of Fort Bend	Burney
Baker of Grayson	Cauthorn
Bell	Celaya
Blankenship	Chambers
Boethel	Clark
Bond	Cleveland
Boyd	Cockrell
Boyer	Coleman
Bradbury	Colquitt
Bradford	Colson, Mrs.
Bray	Cornett
Bridgers	Crossley
Broadfoot	Daniel
Brown of Cherokee	Davis of Jasper

Davis of Upshur	McDaniel
Dean	McDonald
Derden	McFarland
Dickison	McMurry
Dickson	McNamara
Donaghey	Mohrmann
Dwyer	Monkhouse
Faulkner	Montgomery
Felty	Morris
Ferguson	Newell
Fielden	Nicholson
Fuchs	Oliver
Galbreath	Pace
Gilmer	Petsch
Goodman	Pevehouse
Gordon, Mrs.	Piner
Hale	Reader of Bexar
Hamilton	Reader of Erath
Hankamer	Reaves
Hardeman	Reed
Hardin	Rhodes
Harp	Riviere
Harper	Roach
Harrell of Bastrop	Roberts
Harrell of Lamar	Robinson
Harris	Russell
Hartzog	Skiles
Heflin	Smith of Hopkins
Holland	Smith
Howard	of Matagorda
Howington	Spencer
Hull	Stinson
Hunt	Stoll
Isaacks	Tarwater
Johnson of Ellis	Taylor
Johnson of Tarrant	Tennant
Keith	Thornberry
Kennedy	Thornton
Kern	Vint
Kerr	Voigt
Kersey	Waggoner
Kinard	Weldon
King	Wells
Langdon	Westbrook
Lehman	White
Little	Winfree
Lock	Wood
Loggins	Worley
London	Wright
McAlister	

Nays—1

Allen

Absent

Anderson	Segrist
Corry	Shell
Leonard	Smith of Frio
Leyendecker	Talbert
Mays	Turner
Pope	Wilson

Absent—Excused

Dowell	Schuenemann
Ragsdale	Vale

RELATIVE TO HOUSE BILL NO. 255

Mr. Thornton moved that all necessary Rules be suspended, for the purpose of taking up, and considering, on tomorrow, House Bill No. 255.

The motion prevailed by the following vote:

Yeas—125

Allison	Hardin
Alsup	Harp
Bailey	Harper
Baker	Harrell of Bastrop
of Fort Bend	Harrell of Lamar
Baker of Grayson	Harris
Bell	Hartzog
Blankenship	Heflin
Boethel	Holland
Bond	Howard
Boyd	Howington
Boyer	Hull
Bradford	Hunt
Bray	Isaacks
Bridgers	Johnson of Ellis
Broadfoot	Kennedy
Brown	Kern
of Nacogdoches	Kersey
Bundy	Kinard
Burkett	King
Burney	Langdon
Cauthorn	Lehman
Celaya	Little
Chambers	Lock
Clark	Loggins
Cleveland	London
Cockrell	Mays
Coleman	McAlister
Colquitt	McDaniel
Colson, Mrs.	McDonald
Cornett	McFarland
Crossley	McMurry
Daniel	McNamara
Davis of Jasper	Mohrmann
Davis of Upshur	Monkhouse
Dean	Montgomery
Derden	Morris
Dickison	Newell
Dickson	Nicholson
Donaghey	Oliver
Dwyer	Pace
Faulkner	Petsch
Felty	Pevehouse
Ferguson	Piner
Fielden	Reader of Erath
Fuchs	Reaves
Galbreath	Reed
Gilmer	Rhodes
Goodman	Riviere
Gordon, Mrs.	Roach
Hamilton	Roberts
Hankamer	Robinson
Hardeman	Russell

Skiles	Thornton
Smith of Hopkins	Vint
Smith	Waggoner
of Matagorda	Weldon
Spencer	Wells
Stinson	Westbrook
Stoll	White
Tarwater	Winfree
Taylor	Wood
Tennant	Worley
Thornberry	Wright

Nays—7

Allen	Johnson of Tarrant
Bradbury	Keith
Brown of Cherokee	Kerr
Hale	

Absent

Anderson	Shell
Corry	Smith of Frio
Leonard	Talbert
Leyendecker	Turner
Pope	Voigt
Reader of Bexar	Wilson
Segrist	

Absent—Excused

Dowell	Schuenemann
Ragsdale	Vale

RELATIVE TO HOUSE BILL NO. 218

On motion of Mr. Smith of Frio, and by unanimous consent of the House, the following amendment was ordered adopted to House Bill No. 218:

Amend House Bill No. 218, by striking out the figures "1936" in Section 1, and inserting in lieu thereof the figures "1925", and amend the caption to conform.

MESSAGE FROM THE SENATE

Austin, Texas, April 24, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

H. C. R. No. 111, Requesting the Governor to return to the House for correction House Bill No. 166.

H. C. R. No. 110, Requesting the Governor to return to the House for further consideration of House Bill No. 84.

H. B. No. 518, A bill to be entitled "An Act making it unlawful for any person to engage in fishing from any causeway, bridge or structure located

on any highway being maintained by the State Highway Department; making the violation of this Act a misdemeanor and providing a penalty for violation, and declaring an emergency." (With amendments.)

H. B. No. 931, A bill to be entitled "An Act to increase the criminal jurisdiction of the 76th Judicial District Court of Morris County, transferring all criminal cases on the docket of the County Court to the docket of the District Court at the time of the passage of this Act, and to conform the jurisdiction of the County and Justice Courts of said County to such change; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Cornett:

H. B. No. 1005, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer or wild turkey or molest same in Red River County for a period of five (5) years; providing a penalty; repealing all conflicting laws, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Smith of Matagorda:

H. B. No. 1006, A bill to be entitled "An Act to ratify all acts and proceedings of the County Board of School Trustees in any county in the State in consolidating common school districts to independent school districts having a scholastic population of not less than two hundred and fifty (250) and more than four hundred (400), according to the scholastic census at the time of the consolidation and ratifying and confirming all acts and proceedings of the Board in any way relating to such consolidation, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Blankenship, Mr. Stinson, Mr. McDaniel, Mr. Reed and Mr. Se-grist:

H. B. No. 1007, A bill to be entitled "An Act providing that in all counties in the State of Texas having a population of three hundred thousand (300,000) inhabitants or more, and less than three hundred and fifty-five thousand (355,000) inhabitants, according to the last preceding Federal Census, and where such counties have purchased and adopted voting machines for the purpose of holding elections, the County Auditor upon order of the Commissioners' Court shall advertise for bids for the hauling and/or transporting voting machines to the various precincts in the county; providing that the Commissioners' Court shall award contract to the lowest and best bidder; providing that the Commissioners' Court shall reserve the right to reject any and all bids; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

Mr. Langdon asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1008.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Langdon:

H. B. No. 1008, A bill to be entitled "An Act amending Subdivision (e) of Section 2 of Senate Bill No. 62, Chapter 238, page 835, of the Acts of the Regular Session of the Forty-third Legislature, 1933, placing other exceptions within the provisions of said Act, and declaring an emergency."

Referred to the Committee on Judiciary.

Mr. Felty asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1009.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Felty, Mr. Morris, Mr. Alsup and Mr. Hankamer:

H. B. No. 1009, A bill to be entitled "An Act amending Article 600a, Section 36, Revised Civil Statutes of 1925, as amended, Acts, 1937, Forty-fifth Legislature, Senate Bill No. 142, Section 2, so as to provide that in no event shall the expenditure for the administration of this Act exceed Sixty-five Thousand (\$65,000.00) Dollars for any one fiscal year, and declaring an emergency."

Referred to the Committee on Appropriations.

RECESS

On motion of Mr. Riviere, the House, at 12:15 o'clock p. m., took recess until 2:30 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Derden was granted leave of absence for this afternoon, on account of important business, on motion of Mr. McNamara.

Mr. Vale was granted leave of absence for today, on account of illness, on motion of Mr. Celaya.

Mr. Ragsdale was granted leave of absence for today, on account of important business, on motion of Mr. Lock.

MESSAGE FROM THE SENATE

Austin, Texas, April 24, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 604, A bill to be entitled "An Act to amend Chapter 33 of the General Laws of the Thirty-ninth Legislature, Regular Session, 1925, as amended, so as to make certain provisions with respect to the authorization and issuance of revenue bonds and notes by cities having certain population, and declaring an emergency."

S. B. No. 443, A bill to be entitled "An Act creating countywide equaliza-

tion school districts in all counties containing a population of not less than thirty-five thousand (35,000) nor more than sixty-seven thousand five hundred (67,500), according to the last preceding Federal Census, and containing a valuation of Seventy-five Million (\$75,000,000.00) Dollars, or more, according to the last approved tax rolls for State and county purposes, etc., and declaring an emergency."

S. B. No. 427, A bill to be entitled "An Act making appropriations for support and maintenance of the executive and administrative departments and agencies of the State government for the two-year period beginning September 1, 1939, and ending August 31, 1941, etc., and declaring an emergency."

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 518.

The following have been appointed on the part of the Senate: Senators Small, Stone of Galveston, Winfield, Pace and Redditt.

The Senate has adopted

S. C. R. No. 20, Authorizing the Board of Control to dispose of certain furniture and fixtures.

Conference Committee Report on House Bill No. 613 by the following vote: Yeas, 29; Nays, 0.

The Senate has concurred in House amendments to Senate Bill No. 326, by the following vote: Yeas, 29; Nays, 0.

Respectfully,

BOB BARKER,

Secretary of the Senate.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 443, to the Committee on Education.

Senate Bill No. 427, to the Committee on Appropriations.

PRESENTATION TO HON. AND MRS. MARVIN LONDON

The Speaker announced the appointment of the following committee to

escort Hon. and Mrs. Marvin London to the Speaker's Stand: Messrs. Harp, Riviere and Brown of Cherokee.

The Speaker presented Mr. Harp, who, on behalf of the Members of the House, presented Hon. and Mrs. Marvin London with several pieces of furniture.

Mr. Harp then presented Mrs. London, who addressed the House, expressing appreciation for the gifts.

RELATIVE TO HOUSE BILL NO. 958

Mr. Heflin asked unanimous consent, of the House, to strike out the words, "or any succeeding," wherever they appear before the words, "Federal Census," in the bill or the caption, in House Bill No. 958.

There was no objection, and it was so ordered.

SENATE BILL NO. 398 ON SEC- OND READING

On motion of Mr. Cleveland, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to third reading, Senate Bill No. 398.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 398, A bill to be entitled "An Act providing that all independent school districts in this State, whether created by General or Special Law or Laws, having a tax rate of less than One (\$1.00) Dollar upon each One Hundred (\$100.00) Dollar taxable valuation of property, subject to taxation in such districts, may be authorized by a majority vote of the qualified taxpaying voters of said district, to levy and collect an annual tax not to exceed in any one year One (\$1.00) Dollar on the One Hundred (\$100.00) Dollars valuation of taxable property in said district; repealing all laws and parts of laws in conflict herewith, both General and Special, and declaring an emergency."

The bill was read second time.

Mr. Vint moved that further consideration of Senate Bill No. 398 be postponed until next Monday.

Mr. Cleveland moved to table the motion to postpone.

The motion to table was lost.

Question then recurring on the motion to postpone, it prevailed.

HOUSE BILL NO. 966 ON SECOND READING

On motion of Mr. Leyendecker, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 966.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 966, A bill to be entitled "An Act to provide for the appointment of a commissioner to revise and digest the General Laws of Texas, defining their powers and duties, and fixing the qualifications and compensation of said commissioner; directing the commission to embody the revision in their report in the form of bills, for adoption by the Legislature; authorizing the publication of the bills, and making appropriation for the purposes defined in the Act, and declaring an emergency."

The bill was read second time.

(Pending consideration of the bill, Mr. Leonard occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Isaacks offered the following committee amendment to the bill:

Amend House Bill No. 966, by striking out all of Section 1, and by inserting in lieu thereof, the following:

"Section 1. Immediately upon the taking effect of this Act, there shall be appointed a Commission of five (5) persons who shall be learned in the law, and eminent in their profession, and having the qualifications of the Judges of the Supreme Court, as prescribed in Article 1716 of the Revised Civil Statutes of 1925, to make a complete revision and digest of the General Laws of the State of Texas, and embody the same in two (2) bills, one containing the entire body of the Civil Statutes, the other the entire body of the statutes relating to Criminal Law; which shall be by the Commission reported to the Governor, and by him laid before the next Regular Session of the Legislature. One of said members of the Commission hereinabove provided for, shall be appointed by the Governor, and shall be Chairman of the Commission; one by the Lieutenant Governor; one by the Speaker of the House of Representatives; one by the Chief Justice of the Supreme Court, and one by the Chief

Justice of the Court of Criminal Appeals."

The committee amendment was adopted.

Mr. Isaacks offered the following committee amendment to the bill:

Amend House Bill No. 966, by striking out all of Section 7, and inserting in lieu thereof, the following:

"Sec. 7. The Commission shall employ all such experts, stenographers and clerks as may be necessary to carry out the provisions of this Act, and shall fix the compensation, and shall purchase all necessary stationery, typewriters, and such other supplies as may be needed in the discharge of their official duties.

"The member of the Commission designated by the Governor as Chairman of said Commission, shall receive an annual salary of Six Thousand (\$6,000) Dollars, and each of the other four members of said Commission shall receive an annual salary of Five Thousand (\$5,000) Dollars for such time as they may be engaged in the performance of their work, not exceeding eighteen (18) months; to be paid in monthly installments. The certificate of the Governor shall authorize the Comptroller to draw his warrants on the State Treasurer for their payment.

"The salary of all employees of the Commission, and all legal accounts incurred by the Commission, shall be paid in the usual manner upon the approval of the Commission."

The committee amendment was adopted.

Mr. Faulkner moved that House Bill No. 966 be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—90

Allen	Burkett
Alsup	Chambers
Bailey	Cleveland
Baker of Grayson	Coleman
Bell	Colquitt
Bond	Colson, Mrs.
Boyer	Cornett
Bradbury	Crossley
Bradford	Daniel
Bridgers	Davis of Jasper
Brown of Cherokee	Davis of Upshur
Bundy	Dickison

Donaghey	Mohrmann
Faulkner	Newell
Fielden	Nicholson
Fuchs	Oliver
Galbreath	Petsch
Gilmer	Piner
Goodman	Reader of Erath
Hamilton	Reaves
Hankamer	Reed
Hardeman	Rhodes
Hardin	Roach
Harper	Roberts
Harrell of Lamar	Robinson
Heflin	Russell
Howard	Schuenemann
Howington	Segrist
Hunt	Shell
Johnson of Ellis	Smith of Hopkins
Johnson of Tarrant	Stinson
Keith	Stoll
Kern	Talbert
Kersey	Tarwater
Kinard	Taylor
King	Tennant
Langdon	Thornberry
Lehman	Thornton
Little	Vint
London	Voigt
McAlister	Waggoner
McDaniel	Westbrook
McDonald	White
McMurry	Wilson
McNamara	Wood

Nays—32

Allison	Kerr
Baker	Leyendecker
of Fort Bend	McFarland
Boethel	Monkhouse
Boyd	Montgomery
Broadfoot	Pope
Cauthorn	Reader of Bexar
Celaya	Riviere
Cockrell	Skiles
Ferguson	Smith of Frio
Gordon, Mrs.	Spencer
Hale	Turner
Harris	Weldon
Holland	Wells
Hull	Winfree
Isaacks	Worley
Kennedy	

Present—Not Voting

Brown
of Nacogdoches

Absent

Anderson	Corry
Blankenship	Dean
Bray	Dickson
Burney	Dwyer
Clark	Felty

Harp	Morris
Harrell of Bastrop	Pace
Hartzog	Pevehouse
Leonard	Smith
Lock	of Matagorda
Loggins	Wright
Mays	

Absent—Excused

Derden	Ragsdale
Dowell	Vale

SENATE BILL NO. 443 ON SECOND READING

On motion of Mr. Ferguson, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to third reading, Senate Bill No. 443.

Mr. Ferguson then moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 443 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121

Allen	Daniel
Allison	Davis of Jasper
Alsup	Davis of Upshur
Bailey	Dean
Baker	Derden
of Fort Bend	Dickson
Baker of Grayson	Donaghey
Bell	Faulkner
Boethel	Felty
Boyd	Ferguson
Boyer	Fielden
Bradbury	Galbreath
Bradford	Gilmer
Bridgers	Goodman
Broadfoot	Gordon, Mrs.
Brown of Cherokee	Hamilton
Brown	Hankamer
of Nacogdoches	Hardin
Bundy	Harper
Burkett	Harrell of Lamar
Burney	Harris
Cauthorn	Holland
Celaya	Howard
Chambers	Howington
Clark	Hull
Cleveland	Hunt
Cockrell	Isaacks
Coleman	Johnson of Ellis
Colquitt	Johnson of Tarrant
Colson, Mrs.	Kennedy
Cornett	Kerr
Crossley	Kersey

Kinard	Roach
King	Roberts
Langdon	Robinson
Lehman	Russell
Leonard	Schuenemann
Little	Segrist
Lock	Shell
Loggins	Skiles
McAlister	Smith of Frio
McDaniel	Smith of Hopkins
McDonald	Smith
McFarland	of Matagorda
McMurry	Spencer
McNamara	Stoll
Mohrmann	Talbert
Monkhouse	Tarwater
Montgomery	Taylor
Morris	Tennant
Newell	Thornberry
Nicholson	Thornton
Petsch	Vint
Pevehouse	Waggoner
Piner	Weldon
Pope	Wells
Reader of Bexar	White
Reader of Erath	Wilson
Reaves	Winfree
Reed	Wood
Rhodes	Worley
Riviere	Wright

Nays—2

Hale	Hardeman
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Absent

Anderson	Keith
Blankenship	Kern
Bond	Leyendecker
Bray	London
Corry	Mays
Dickison	Oliver
Dwyer	Pace
Fuchs	Stinson
Harp	Turner
Harrell of Bastrop	Voigt
Hartzog	Westbrook
Heflin	

Absent—Excused

Dowell	Vale
Ragsdale	

The Speaker then laid before the House, on its second reading, and passage to third reading,

S. B. No. 443, A bill to be entitled "An Act creating countywide equalization school districts in all counties containing a population of not less than thirty-five thousand (35,000) nor more than sixty-seven thousand, five hundred (67,500), according to the last preceding Federal Census, and

containing a valuation of Seventy-five Million (\$75,000,000.00) Dollars, or more, according to the last approved tax rolls for State and county purposes, etc., and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 443 ON THIRD READING

The Speaker then laid Senate Bill No. 443 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—119

Allen	Gilmer
Allison	Gordon, Mrs.
Alsup	Hamilton
Bailey	Hankamer
Baker	Hardin
of Fort Bend	Harper
Baker of Grayson	Hartzog
Bell	Heflin
Boethel	Holland
Boyd	Howard
Boyer	Howington
Bradbury	Hull
Bradford	Hunt
Bridgers	Isaacks
Broadfoot	Johnson of Ellis
Brown of Cherokee	Johnson of Tarrant
Brown	Keith
of Nacogdoches	Kennedy
Bundy	Kern
Burkett	Kerr
Burney	Kersey
Cauthorn	King
Celaya	Langdon
Chambers	Lehman
Clark	Little
Cleveland	Lock
Cockrell	McAlister
Coleman	McDaniel
Colquitt	McFarland
Colson, Mrs.	McMurry
Cornett	McNamara
Crossley	Mohrmann
Daniel	Monkhouse
Davis of Jasper	Montgomery
Davis of Upshur	Morris
Dickison	Newell
Dickson	Nicholson
Donaghey	Petsch
Faulkner	Pevehouse
Felty	Piner
Ferguson	Reader of Bexar
Fielden	Reader of Erath
Fuchs	Reaves
Galbreath	Reed

Rhodes	Talbert
Riviere	Tarwater
Roach	Taylor
Roberts	Tennant
Robinson	Thornberry
Russell	Thornton
Schuenemann	Vint
Segrist	Voigt
Shell	Waggoner
Skiles	Weldon
Smith of Frio	Wells
Smith of Hopkins	White
Smith	Wilson
of Matagorda	Winfree
Spencer	Wood
Stinson	Worley
Stoll	Wright

Nays—3

Hale	Harrell of Lamar
Hardeman	

Absent

Anderson	Leonard
Blankenship	Leyendecker
Bond	Loggins
Bray	London
Corry	Mays
Dean	McDonald
Dwyer	Oliver
Goodman	Pace
Harp	Pope
Harrell of Bastrop	Turner
Harris	Westbrook
Kinard	

Absent—Excused

Derden	Ragsdale
Dowell	Vale

Mr. Ferguson moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 108 ON SECOND READING

On motion of Mr. Howard, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 108.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 108, A bill to be entitled "An Act conferring and relinquishing to the Supreme Court full rule-making power in Civil Judicial proceedings, repealing all laws and parts of laws governing practice and procedure in civil actions, such repeal effective on

and after January 1, 1940, providing that no substantive law or part thereof is thereby repealed; authorizing and empowering the Supreme Court by general order to continue such statutes in force as rules of the Court; investing the Supreme Court with full rule-making power and fixing the time for such to become effective, and declaring an emergency."

The bill was read second time.

Mr. Howard offered the following amendment to the bill:

Amend House Bill No. 108, by striking out the last sentence of Section 3, and inserting in lieu thereof, the following:

"Such rules, after promulgation by the Supreme Court, shall be filed with the Secretary of State on or before January 1 immediately preceding a Regular Session of the Legislature and shall be reported by the Secretary of State to the Legislature and, unless disapproved by the Legislature, such rules shall become effective upon adjournment thereof, or at any time subsequent thereto as may be fixed by the Supreme Court in said rules; provided, however, the Supreme Court may, from time to time after January 1, 1940, promulgate any specific rule or any amendment to any specific rule and make the same effective at such time as the Supreme Court may deem expedient in the interest of a proper administration of justice, the same to remain in effect unless and until disapproved by the Legislature. Any such specific rule, or any such amendment to any specific rule, shall be filed by the Clerk with the Secretary of State and reported by him to the Legislature in the same manner as above provided."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 108 was then passed to engrossment.

HOUSE BILL NO. 108 ON THIRD READING

Mr. Howard moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 108 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118

Allen	Keith
Allison	Kennedy
Alsup	Kern
Bailey	Kerr
Baker	Kersey
of Fort Bend	King
Baker of Grayson	Langdon
Bell	Lehman
Boethel	Leonard
Boyd	Little
Boyer	Lock
Bradbury	McAlister
Bradford	McDaniel
Bridgers	McFarland
Broadfoot	Mohrmann
Brown of Cherokee	Monkhouse
Brown	Montgomery
of Nacogdoches	Morris
Bundy	Newell
Burkett	Nicholson
Burney	Oliver
Cauthorn	Petsch
Celaya	Pevehouse
Clark	Piner
Cleveland	Pope
Cockrell	Reader of Bexar
Colquitt	Reader of Erath
Colson, Mrs.	Reaves
Cornett	Reed
Crossley	Rhodes
Daniel	Riviere
Davis of Jasper	Roach
Dickison	Robinson
Dickson	Russell
Donaghey	Schuenemann
Faulkner	Segrist
Felty	Shell
Ferguson	Skiles
Fielden	Smith of Frio
Fuchs	Smith of Hopkins
Galbreath	Spencer
Goodman	Stinson
Gordon, Mrs.	Stoll
Hale	Talbert
Hankamer	Tarwater
Hardeman	Taylor
Hardin	Tennant
Harper	Thornberry
Harrell of Bastrop	Thornton
Harrell of Lamar	Turner
Harris	Vint
Heflin	Voigt
Holland	Waggoner
Howard	Weldon
Howington	Wells
Hull	White
Hunt	Wilson
Isaacks	Winfree
Johnson of Ellis	Worley
Johnson of Tarrant	Wright

Nays—4

Hamilton	McNamara
McMurry	Roberts

Present—Not Voting

Davis of Upshur

Absent

Anderson	Kinard
Blankenship	Leyendecker
Bond	Loggins
Bray	London
Chambers	Mays
Coleman	McDonald
Corry	Pace
Dean	Smith
Dwyer	of Matagorda
Gilmer	Westbrook
Harp	Wood
Hartzog	

Absent—Excused

Derden	Ragsdale
Dowell	Vale

The Speaker then laid House Bill No. 108 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—116

Allen	Crossley
Allison	Daniel
Alsup	Davis of Jasper
Bailey	Dickison
Baker	Dickson
of Fort Bend	Donaghey
Baker of Grayson	Faulkner
Boethel	Felty
Bond	Ferguson
Boyd	Fielden
Boyer	Fuchs
Bradbury	Galbreath
Bradford	Goodman
Bridgers	Gordon, Mrs.
Broadfoot	Hale
Brown of Cherokee	Hankamer
Brown	Hardeman
of Nacogdoches	Hardin
Bundy	Harper
Burkett	Harrell of Bastrop
Burney	Harrell of Lamar
Cauthorn	Harris
Celaya	Heflin
Clark	Holland
Cleveland	Howard
Cockrell	Howington
Colquitt	Hull
Colson, Mrs.	Hunt
Cornett	Isaacks

Johnson of Ellis	Rhodes
Johnson of Tarrant	Riviere
Kennedy	Roach
Kern	Robinson
Kerr	Russell
Kinard	Schuenemann
King	Segrist
Langdon	Shell
Lehman	Skiles
Leonard	Smith of Frio
Little	Smith of Hopkins
Lock	Smith
McAlister	of Matagorda
McDaniel	Spencer
McFarland	Stinson
Mohrmann	Stoll
Monkhouse	Talbert
Montgomery	Tarwater
Morris	Taylor
Newell	Tennant
Nicholson	Thornberry
Oliver	Thornton
Pace	Turner
Petsch	Waggoner
Pevehouse	Wells
Piner	White
Pope	Wilson
Reader of Bexar	Winfree
Reader of Erath	Worley
Reaves	Wright
Reed	

Nays—8

Davis of Upshur	McNamara
Hamilton	Roberts
Kersey	Vint
McMurry	Weldon

Absent

Anderson	Hartzog
Bell	Keith
Blankenship	Leyendecker
Bray	Loggins
Chambers	London
Coleman	Mays
Corry	McDonald
Dean	Voigt
Dwyer	Westbrook
Gilmer	Wood
Harp	

Absent—Excused

Derden	Ragsdale
Dowell	Vale

Mr. Howard moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 61 ON SECOND READING

On motion of Mr. Brown of Nacogdoches, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 61.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 61, A bill to be entitled "An Act amending Article 4604C of the Revised Texas Statutes requiring a medical certificate from the woman before a marriage license can be issued."

The bill was read second time.

Mr. Brown of Nacogdoches offered the following committee amendment to the bill:

Amend House Bill No. 61, by striking out all below the enacting clause, and inserting in lieu thereof, the following:

"Be It Enacted by the Legislature of the State of Texas:

Section 1. That Article 4604-C, Revised Statutes be amended so as to hereafter read as follows: Before the County Clerk shall issue any marriage license, there shall be filed with him by each of the parties entering the marital contract, a certificate signed by a physician, legally licensed to practice medicine in Texas, stating that within fifteen (15) days of the date thereof he has examined the person named thereon, and caused to be made, of specimens taken from such person, standard serological tests and such other laboratory procedures as are essential to the determination of freedom from syphilis and all other venereal diseases, and that the results of such examinations, tests and history showed that the person examined was free of any transmissible condition of syphilis.

Section 1-A. No physician shall issue such a certificate to any person whom he knows or believes is infected with any other of the venereal diseases.

Section 2. Each physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the tests setting forth the name of such tests, the date they were executed, and the name and address of the person from whom

the specimens were taken, but not stating the result of the tests. The physician's certificate and the laboratory statement shall be on the same form sheet. Upon a separate form a detailed report of the laboratory test showing the results shall be transmitted by the laboratory to the physician, who shall retain it in his office for a period of at least five (5) years from the date thereof.

Section 3. The State Department of Health may, without charge, inspect the equipment, procedures, personnel, and records, of any clinical laboratory which hereafter shall issue any certificate called for by Section 2 of this Act, and after such inspection, may make written recommendation for the improvement of any faulty equipment, procedures, or personnel disclosed by such inspection, and all such laboratories shall cease to issue any pre-marital serological test certificates as called for by this Act, until all such recommendations shall have been complied with to the satisfaction of the State Department of Health. The authorities herein granted the State Department of Health shall be subject to all laws, or parts of laws, directing the regulation and control of clinical laboratories.

Section 4. Because of any emergency or other cause shown by affidavit, or other proof, any Judge of a District or County Court of Texas if satisfied by medical and/or other testimony, that neither the health of the individuals, nor the public health and welfare, will be injuriously affected thereby, may make an order, on the joint application of both of the parties desiring the marriage license, dispensing with those requirements of Sections 1 and 2, which relate to the filing with the County Clerk by either one or both of the parties of the physician's certificates and the laboratory statements. The order shall be accompanied by a memorandum in writing, from the Judge reciting his reasons for granting the order. Such order and the accompanying memorandum shall be filed with the County Clerk, and the latter shall thereupon accept the application for the marriage license without the production or filing of the physician's certificate and laboratory statements dispensed with by the order. The County Clerk shall hold such memorandum of the District or County Judge in absolute

confidence. He shall, immediately upon receipt of such memorandum, cause the same to be sealed and filed with the application for the marriage license and the order of the court, and such sealed package may be opened only upon order of a court of record.

Section 5. Standard serological tests, as used in this Act, shall mean and constitute laboratory tests used to determine the presence or absence of syphilis, namely the Wasserman—Kolmer—Kahn—Kline—Hinton—Eagle and such other tests or procedures whether serological or otherwise as may be approved from time to time by the State Board of Health. Upon request, the State Department of Health shall perform serological tests, for all indigents, free of charge.

Section 6. Nothing in this Act shall impair or affect existing laws, or rules, made by authority of law, relative to reports of cases of syphilis or venereal diseases.

Section 7. Marriage licenses shall be issued to all applicants who have complied with the provisions of this Act, and who are otherwise entitled under the laws of Texas to apply therefor, and to contract matrimony. Every such license, when issued shall have endorsed thereon or annexed thereto, a statement subscribed by the person issuing the license that the application for the license was accompanied by certificates complying with the applicable requirements of Sections 1 and 2 of this Act, relative to examinations and health of the parties, or if such compliance was dispensed with wholly or partly by order of a Judge, a statement to that effect. Any applicant for a marriage license, any physician or any representative of a laboratory, who shall misrepresent any of the facts called for by a physician's statement or laboratory statement or any County Clerk who shall accept an application for a license without the accompanying physician's statement and laboratory report, as required in Sections 1 and 2 hereof, unless the same shall have been dispensed with by judicial order, as provided in Section 4, or who shall have possession of reliable information that any of the facts contained in such statement or report have been misrepresented and shall nevertheless issue the marriage license, or any officer or employee of

the office issuing the license who shall not hold in the strictest confidence the statement filed with him as to the reasons for granting a judicial order, as provided under Section 4 hereof, or any person who fails to comply with any Section of this Act, shall be guilty of a misdemeanor and shall be fined not less than Five (\$5.00) Dollars nor more than Two Hundred (\$200.00) Dollars.

Section 8. If any Section, Subsection, paragraph, clause, sentence, or word of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining provisions of this Act, and this Legislature hereby declares that it would have passed such remaining portions despite such validity.

Section 9. The fact that the venereal diseases are communicable to parties to a marriage contract, and the fact that it is essential to the protection of the public health and of the persons entering marriage, to provide certain safeguards against the possibility of the communication of these diseases, from one person to another, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Mr. McAlister moved that House Bill No. 61 be tabled.

The motion to table was lost.

Question recurring on the committee amendment, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 61 was then passed to engrossment.

HOUSE BILL NO. 61 ON THIRD READING

Mr. Brown of Nacogdoches moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 61 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107

Allen	Johnson of Ellis
Allison	Keith
Bailey	Kennedy
Baker	Kern
of Fort Bend	Kerr
Baker of Grayson	Kinard
Bell	King
Blankenship	Langdon
Boethel	Lehman
Boyd	Leonard
Boyer	Leyendecker
Bradbury	Little
Broadfoot	Mays
Brown of Cherokee	McDaniel
Brown	McDonald
of Nacogdoches	McFarland
Bundy	Monkhouse
Burkett	Morris
Burney	Newell
Cauthorn	Oliver
Chambers	Petsch
Clark	Pevehouse
Cleveland	Piner
Cockrell	Pope
Colquitt	Reader of Bexar
Cornett	Reader of Erath
Corry	Reaves
Crossley	Reed
Daniel	Roach
Davis of Jasper	Roberts
Davis of Upshur	Russell
Dickison	Segrist
Dickson	Shell
Donaghey	Skiles
Faulkner	Smith of Frio
Felty	Smith of Hopkins
Ferguson	Smith
Fielden	of Matagorda
Galbreath	Spencer
Goodman	Stinson
Gordon, Mrs.	Stoll
Hale	Talbert
Hamilton	Tarwater
Hardeman	Taylor
Hardin	Tennant
Harp	Thornton
Harper	Turner
Harrell of Bastrop	Vint
Harrell of Lamar	Voigt
Harris	Weldon
Heflin	Wells
Holland	White
Howard	Wood
Hunt	Worley
Isaacks	Wright

Nays—19

Alsup	Howington
Bradford	Johnson of Tarrant
Bridgers	Kersey
Fuchs	Lock
Hankamer	London

McAlister
McMurry
McNamara
Mohrmann
Rhodes

Robinson
Waggoner
Westbrook
Wilson

Absent

Anderson
Bond
Bray
Celaya
Coleman
Colson, Mrs.
Dean
Dwyer
Gilmer
Hartzog

Hull
Loggins
Montgomery
Nicholson
Pace
Riviere
Schuenemann
Thornberry
Winfree

Absent—Excused

Derden
Dowell

Ragsdale
Vale

The Speaker then laid House Bill No. 61 before the House on third reading and final passage.

The bill was read third time.

Mr. Brown of Nacogdoches offered the following amendment to the bill:

Amend House Bill No. 61, by striking out the first sentence of said bill down to and including the colon in the second line, and insert in lieu thereof, the following:

"Section 1. That Article 4604-C, Revised Civil Statutes of Texas as enacted by Acts of the Forty-first Legislature, 1929, page 260, Chapter 114, be amended to hereafter read, as follows:

"Article 4604-C. Section 1."

The amendment was unanimously adopted.

House Bill No. 61 was then passed by the following vote:

Yeas—103

Allen	Brown
Allison	of Nacogdoches
Bailey	Bundy
Baker	Burkett
of Fort Bend	Burney
Baker of Grayson	Cauthorn
Bell	Chambers
Blankenship	Clark
Boethel	Cleveland
Bond	Cockrell
Boyd	Colquitt
Boyer	Cornett
Bradbury	Crossley
Broadfoot	Daniel
Brown of Cherokee	Davis of Jasper

Davis of Upshur

Dickson
Dickson
Donaghey
Felty
Ferguson
Fielden
Galbreath
Goodman
Gordon, Mrs.
Hale
Hamilton
Hardeman
Hardin
Harp
Harper
Harrell of Bastrop
Harrell of Lamar
Harris
Heflin
Hull
Hunt
Isaacks
Johnson of Ellis
Keith
Kennedy
Kern
Kerr
Kersey
Kinard
King
Langdon
Lehman
Leonard
Leyendecker
Little
Mays
McDonald

McFarland
Monkhouse
Montgomery
Morris
Newell
Oliver
Petsch
Pevehouse
Piner
Reader of Bexar
Reader of Erath
Reaves
Reed
Roach
Russell
Segrist
Shell
Skiles
Smith of Hopkins
Smith
of Matagorda
Spencer
Stoll
Talbert
Tarwater
Taylor
Tennant
Thornberry
Thornton
Turner
Vint
Voigt
Weldon
Wells
White
Wood
Worley
Wright

Nays—24

Alsup	McDaniel
Bradford	McMurry
Bridgers	McNamara
Faulkner	Mohrmann
Fuchs	Rhodes
Hankamer	Roberts
Holland	Robinson
Howington	Smith of Frio
Johnson of Tarrant	Stinson
Lock	Waggoner
London	Westbrook
McAlister	Wilson

Absent

Anderson	Gilmer
Bray	Hartzog
Celaya	Howard
Coleman	Loggins
Colson, Mrs.	Nicholson
Corry	Pace
Dean	Pope
Dwyer	Riviere

Schuenemann Winfree

Absent—Excused

Derden Ragsdale
Dowell Vale

Mr. Brown of Nacogdoches moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 410 ON SECOND READING

On motion of Mr. Harris, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 410.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 410, A bill to be entitled "An Act to amend Article 4553, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 7, Acts of First Called Session, Forty-second Legislature, and Articles 4555, 4556, 4557, 4558, 4559, 4563, 4565, 4565a, 4565b, of Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 12 of the Penal Code of Texas, 1925, by adding thereto Article 738a, and Article 737, Chapter 5, Title 12 of the Penal Code of Texas, 1925; so as to provide for a State Board of Examiners in Optometry, qualifications for and method of filling vacancies on said Board; providing for election of officers and meetings of the Board; prescribing powers and duties of the Board; requiring all persons desiring to practice optometry in Texas to pass examination; providing subjects for and method of giving examinations; providing grounds for refusal of and cancellation of any license; prescribing examination fee; prescribing renewal license fee and method of obtaining duplicate licenses; defining terms; specifying acts constituting penal offenses and providing a penalty; repealing Article 4560, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, and all laws or parts of laws in conflict with the provisions of this Act; declaring the rule that the remainder of the Act

shall not be affected by the unconstitutionality or invalidity of any part thereof, and declaring an emergency."

The bill was read second time.

Mr. Harris offered the following amendments to the bill:

Amend House Bill No. 410, by striking out all above the enacting clause, and insert in lieu thereof, the following:

"A BILL

To Be Entitled

An Act to amend Article 4553, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 7, Acts of First Called Session, Forty-second Legislature, and Articles 4555, 4556, 4557, 4558, 4559, 4563, 4565, 4565a, 4565b, of Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 12 of the Penal Code of Texas, 1925, by adding thereto Article 738a, and 737, Chapter 5, Title 12, of the Penal Code of Texas, 1925; so as to provide for a State Board of Examiners in Optometry, qualifications for and method of filling vacancies on said Board; providing for election of officers and meetings of the Board; prescribing powers and duties of the Board; requiring all persons desiring to practice optometry in Texas to pass examination; providing subjects for and method of giving examinations; providing grounds for refusal of and cancellation of any license; prescribing examination fee; prescribing renewal license fee and method of obtaining duplicate licenses; defining terms; specifying acts constituting penal offenses and providing a penalty; repealing Article 4560, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, and all laws or parts of laws in conflict with the provisions of this Act; declaring the rule that the remainder of the Act shall not be affected by the unconstitutionality or invalidity of any part thereof, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:"

Amendment No. 1

Amend House Bill No. 410, by striking out all below the enacting clause,

and substituting therefor, the following:

"Section 1. That Article 4553, Chapter 10, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended by Section 1, Chapter 7, Acts, First Called Session, Forty-second Legislature, be amended so as to hereafter read as follows:

Article 4553. The Texas State Board of Examiners in Optometry shall be composed of six (6) members who shall possess the necessary qualifications to practice optometry, and who shall have been residents of this State actually engaged in the practice of optometry in this State for at least five (5) years immediately preceding their appointment, none of whom shall be members of the faculty of any college of optometry or agents of any wholesale optical company, or shall have a financial interest in any such college or company.

In case of the death, resignation or removal of any members, the vacancy of the unexpired term shall be filled by the Governor in the same manner as other appointments. Each appointee to the Texas State Board of Examiners in Optometry shall, within fifteen (15) days from the date of his appointment, qualify by taking the constitutional oath of office.

Sec. 2. That Article 4555, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

Article 4555. The Board shall elect a President, a Vice President and a Secretary-Treasurer at its first meeting after the appointment of a member of said Board. The Board shall hold regular meetings at least twice a year at which an examination of applicants for license shall be given. Not less than ten (10) days notice of such meetings shall be given by publication in at least three (3) daily newspapers of general circulation to be selected by the Board. Special meetings shall be held upon request of a majority of the members of the Board or upon the call of the President. Four (4) members of the Board shall constitute a quorum for the transaction of business and should a quorum not be present on the day appointed for any meeting, those present may adjourn from day to day until a quorum be present, provided

such period shall not be longer than three (3) successive days.

Sec. 3. That Article 4556, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

Article 4556. The Board shall preserve a record of its proceedings in a book kept for that purpose. A record shall be kept showing the name, age, and present legal residence and mailing address of each applicant for examination, the name and location of the school of optometry from which he holds credentials, and the time devoted to the study and practice of optometry, together with such other information as the Board may desire to record. Said record shall also show whether applicants were rejected or licensed and shall be prima facie evidence of all matters therein contained. The Secretary of the Board shall on or before March 1st of each year send a certified copy of said record to the Secretary of State for permanent record. A certified copy of said record with the hand and seal of the Secretary of said Board to the Secretary of State, shall be admitted as evidence in all courts. Every license and annual renewal certificate issued shall be numbered and recorded in a book kept by the Secretary of the Board. The Board shall have the power to make such rules and regulations not inconsistent with this law as may be necessary for the performance of its duties, the regulation of the practice of optometry and the enforcement of this Act. The Board shall have power to appoint committees from its own membership, the duties of such committees shall be to consider such matters, pertaining to the enforcement of this Act and the regulations promulgated in accordance therewith, as shall be referred to said committees, and they shall make recommendations to the Board with respect thereto. The Board shall have the power to employ the services of stenographers, inspectors, and other necessary assistants in carrying out the provisions of this Act. The Board shall be represented by the Attorney General and the County and District Attorneys of the State. The Board, any committee, or any member thereof, shall have the power to issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses and the pro-

duction of books, records and documents, to administer oaths and to take testimony concerning all matters within its or his jurisdiction. The Board shall not be bound by strict rules of procedure or by the laws of evidence in the conduct of its proceedings but the determination shall be founded upon sufficient legal evidence to sustain it. The Board shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this Act. Said action for an injunction shall be in addition to any other action, proceeding or remedy authorized by law. Before entering upon the discharge of the duties of his office, the Secretary-Treasurer of the Board shall give such bond for the performance of his duties as the Board may require, the premium of which is to be paid from funds in the possession of the Board. The Board shall adopt an official seal and license of suitable design and shall have an office where all of the permanent records shall be kept.

Sec. 4. That Article 4557, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

Article 4557. Every person desiring to practice optometry in the State of Texas shall be required to pass the examination given by the Texas State Board of Examiners in Optometry. The applicant shall make application by presenting to the Secretary of the Board, on forms furnished by the Board, satisfactory sworn evidence that he has attained the age of twenty-one (21) years, is of good moral character, is a citizen of the United States, and has at least graduated from a first grade high school or has a preliminary education equivalent thereto permitting matriculation in the University of Texas, and that he has attended and graduated from a reputable university or college of optometry and which meets with the requirements of the Board, or has studied optometry not less than four (4) consecutive calendar years in the office of an optometrist, licensed under this Act, and has the preliminary high school education provided for in this Section, before beginning his studies, and provided that any person desiring to qualify in this manner shall file with the Board on blanks prescribed and furnished by the Board

satisfactory proof, upon the beginning of his studies, as aforesaid, within thirty (30) days thereof, and full and complete satisfactory proof upon the completion of his studies within thirty (30) days thereof.

A university or school of optometry is reputable whose entrance requirements and course of instruction are as high as those adopted by the better class of universities and schools of optometry and whose course of instructions shall be the equivalent of not less than four (4) terms of eight (8) months each and approved by the Board.

Sec. 5. That Article 4558, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

Article 4558. The examination shall consist of written, oral or practical tests, in practical, theoretical, and physiological optics, in theoretical and practical optometry, and in the anatomy, physiology and pathology of the eye as applied to optometry and in such other subjects as may be regularly taught in all recognized standard optometric universities or schools.

Sec. 6. That Article 4559, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925 be amended so as to hereafter read as follows:

Article 4559. Each applicant shall be given due notice of the date and place of examination. All examinations shall be conducted in writing and by such other means as the Board shall determine adequate to ascertain the qualifications of applicants and in such manner as shall be entirely fair and impartial to all individuals and every recognized school of optometry. All applicants examined at the same time shall be given the same written examinations. Every candidate successfully passing the examination and meeting all requirements of the Board shall be registered by the Board as possessing the qualifications required by this law and shall receive from said Board a license to practice optometry in the State.

Provided that no provision of this section shall apply to any qualified person who in good faith began the study of optometry under the provisions of Chapter 51, Acts of the 37th Legislature, First Called Session, prior to the effective date of this Act, and who shall, within thirty (30) days

after such effective date, register with the Secretary of the Board, under proper rules of the Board, satisfactory proof of the beginning of such study, together with such other related facts as the Board may require. Any person failing to register with the Secretary of the Board as herein provided shall be deemed to have waived all rights under the provisions of Chapter 51, Acts 37th Legislature, First Called Session.

Sec. 7. That Article 4560, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, be repealed.

Sec. 8. That Article 4563, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

Article 4563. The Texas State Board of Examiners may, in its discretion, refuse to issue a license to any applicant and may cancel, revoke or suspend the operation of any license by it granted for any of the following reasons:

(a) That said applicant or licensee is guilty of gross immorality;

(b) That said applicant or licensee is guilty of any fraud, deceit or misrepresentation in the practice of optometry or in his seeking admission to such practice;

(c) That said applicant or licensee is unfit or incompetent by reason of negligence;

(d) That said applicant or licensee has been convicted of a felony or a misdemeanor which involves moral turpitude;

(e) That said applicant or licensee is an habitual drunkard or is addicted to the use of morphine, cocaine or other drugs having similar effect or has become insane or has been adjudged by a court of competent jurisdiction to be of unsound mind;

(f) That said licensee has directly or indirectly employed, hired, procured, or induced a person, not licensed to practice optometry in this State, to so practice;

(g) That said licensee directly or indirectly aids or abets in the practice of optometry any person not duly licensed to practice under this Act;

(h) That said licensee directly or indirectly employs solicitors, canvassers or agents for the purpose of obtaining patronage;

(i) That said licensee lends, leases, rents or in any other manner places his license at the disposal or in the

service of any person not licensed to practice optometry in this State;

(j) That said licensee has split fees derived from professional services;

(k) That said applicant or licensee has wilfully or repeatedly violated any of the provisions of this Act.

Proceedings under this Article shall be begun by filing charges with the Board in writing and under oath. Said charges may be made by any person or persons. The President of the Board shall fix a time and place for a hearing and shall cause a copy of the charges, together with a notice of the time and place fixed for the hearing, to be served on the respondent or his counsel at least ten (10) days prior thereto. When personal service cannot be effected, the Board shall cause to be published once a week for two (2) successive weeks a notice of the hearing in a newspaper published in the county wherein the respondent was last known to practice, and shall mail a copy of the charges and of such notice to the respondent at his last known address. When publication of the notice is necessary, the date of hearing shall not be less than ten (10) days after the last date of the publication of the notice. At said hearing the respondent shall have the right to appear either personally or by counsel, or both, to produce witnesses and evidence on his behalf, to cross examine witnesses and to have subpoenas issued by the Board. The Board shall thereupon determine the charges upon their merits.

Any person whose license to practice optometry has been refused or has been revoked or suspended by the Board may, within twenty (20) days after the making and entering of such order, take an appeal to any of the District Courts of the County of his residence, but the decision of the Board shall not be stayed or enjoined except upon application to such District Court after notice to the Board.

Upon application, the Board may re-issue a license to practice optometry to a person whose license has been revoked but such application shall not be made prior to one (1) year after the revocation and shall be made in such manner and form as the Board may require.

Sec. 9. That Article 4565, Chapter 10, Title 71, of the Revised Civil

Statutes of Texas, 1925, be amended so as to read hereafter as follows:

Article 4565. The Board shall charge a fee of Fifty Dollars for examining an applicant for license, which fee much accompany the application. If the applicant who because of failure to pass the examination be refused a license, he shall be permitted to take a second examination without additional fee, provided the second examination is taken within a period of two years. The fee for issuing a license shall be Ten Dollars, to be paid to the Secretary of the Board. If anyone successfully passing the examination and meeting the requirements of the Board has not paid the fee for the issuance of a license within ninety (90) days after having been notified by registered mail at the address given on his examination papers or at the time of examination that he is eligible for same, such person shall, by his own act, have waived his right to obtain a license and the Board may, at its discretion, refuse to issue such license until such person has taken and successfully passed another examination.

The fund realized from all fees payable under the Act shall first be applied to the payment of all necessary expenses of the Board and the remainder to be applied by order of the Board to compensate members of said Board. Said compensation to each member of the Board shall in no case exceed Ten Dollars per day, or Three Hundred Dollars per year, exclusive of allowable expenses, except the Secretary-Treasurer shall receive additional compensation, as set by the Board, not to exceed Twelve Hundred Dollars per year, for the performance of such additional duties as Secretary-Treasurer. The total expense of the Board shall not exceed Six Thousand Dollars per year. The Board shall defray all expenses under this law from fees provided in this title and no appropriation shall ever be made from the State Treasury for any expenditure made necessary by this law. All fees in excess of Five Thousand Dollars remaining in the hands of the Board at the end of any fiscal year shall be paid into the General Fund of this State.

Sec. 10. That Article 4565a, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, be amended so as to read hereafter as follows:

Article 4565a. On or before the 1st day of January of each year every licensed optometrist in this State shall pay to the Secretary-Treasurer of the Texas State Board of Examiners in Optometry an annual renewal fee of Ten Dollars for the renewal of his license to practice optometry for the current year. On receipt of said renewal fee, the Board shall issue an annual renewal certificate bearing the number of the license, the year for which renewed and other information from the records of the Board that said Board may deem necessary. When an optometrist shall have failed to pay his annual renewal fee by March 1st, it shall be the duty of the Board to notify such optometrist at last known address by mail that said annual renewal fee is due and unpaid. Thirty (30) days after the date of mailing such notice, it shall be the duty of the Board under this Act to suspend the license for non-payment of annual renewal fee and to notify such optometrist of such suspension by registered letter addressed to his last known address. The Board shall notify the County Clerk of the county in which such license may have been recorded of such suspension and such Clerk, upon receipt of notice from said Board, shall enter upon the Optometry Register of such county the fact that such license has been suspended for non-payment of annual renewal fee and shall notify the Board in writing that such entry has been made. Provided, that if said annual renewal fee is not paid within sixty days from the date of notice of suspension, and unless good cause is shown why such fee has not or cannot be paid, the Board shall then cancel such license. The Board shall notify the County Clerk of the county in which such license may have been recorded of such cancellation and such Clerk, upon receipt of such notice from said Board, shall enter upon the Optometry Register of such county the fact that such license has been cancelled and is void for non-payment of annual renewal fee and shall notify the Board in writing that such entry has been made. Practicing optometry without an annual renewal certificate for the current year as provided herein shall have the same force and effect and be subject to all penalties of practicing optometry without a license. After the Board has declared a license void as provided for in this

article, the Board may thereafter, in its discretion, refuse to issue a new license until such optometrist whose license has been declared void for non-payment of annual renewal fee has passed the regular examination for license as provided for by this Act.

If any license issued under this law shall be lost or destroyed, the holder of said license may present his application to the Board for a duplicate license, together with his affidavit of such loss or destruction, and that he is the same person to whom said license was issued, and other information required by the Board, and shall upon the payment of a fee of Two Dollars and Fifty Cents be granted a license under this law. The Board may exercise its discretion in granting said duplicate license.

Sec. 11. That Article 4565b, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, be repealed.

Sec. 12. That Chapter 5 of Title 12 of the Penal Code be amended by adding a new article to be known as Article 738a:

Article 738a. It shall be unlawful for any person to:

(a) Falsely impersonate any person duly licensed as an optometrist under the provisions of this Act or to falsely assume another name;

(b) Buy, sell, or fraudulently obtain any optometry diploma, license, record of registration or aid or abet therein;

(c) Practice, offer, or hold himself out as authorized to practice optometry or use in connection with his name any designation tending to imply that he is a practitioner of optometry if not licensed to practice under the provisions of this Act;

(d) Practice optometry during the time his license shall be suspended or revoked;

(e) Practice optometry from house to house or on the streets or highways notwithstanding any laws for the licensing of peddlers. This shall not be construed as prohibiting an optometrist or physician from attending, prescribing for and furnishing spectacles, eyeglasses or ophthalmic lenses to a person who is confined to his abode by reason of illness or physical or mental infirmity, or in response to an unsolicited request or call, for such professional services;

(f) To split fees derived from professional services.

Section 13. That Article 737, Chapter 5, Title 12 of the Penal Code be amended so as to hereafter read as follows:

Article 737. Whoever violates any provision of this Act shall be fined not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, or be imprisoned in jail not less than two (2) nor more than six (6) months, or both. Each day of said violation shall be a separate offense.

Section 14. In the event any word, clause, Section or part of Section or provision of this Act be held invalid, unconstitutional or inoperative, this shall not affect the validity of the remaining Sections, or parts of Sections of the Act, but the remainder of the Act shall be given effect as if said invalid, unconstitutional or inoperative Section or any part of Section or provision, had not been included. In the event any penalty, right, or remedy created or given in any Section or part of this Act is held invalid, unconstitutional, or inoperative, this shall not affect the validity of any other penalty, right or remedy created or given by either the whole Act or in the Section thereof containing such invalid, unconstitutional, or inoperative part; and if any exception to, or any limitation upon any general provision herein contained shall be held to be unconstitutional, or invalid, the general provision shall, nevertheless, stand effective and valid, as if the same had been enacted without such limitation or exception.

Sec. 15. All laws or parts of laws in conflict herewith are hereby repealed.

Sec. 16. The fact that the existing law does not provide an adequate system of regulation of the practice of optometry in the State of Texas, and the further fact that the calendars of the Senate and House are in a crowded condition, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, and the further Constitutional Rule as to the time when laws take effect, be suspended, and each of them is hereby suspended, and this Act shall take effect and be in full force and effect from and after its passage, and it is so enacted."

(Mr. Hankamer in the Chair.)

Mr. Alsup moved that further consideration of House Bill No. 410 be postponed until 2:30 o'clock p. m. tomorrow.

(Speaker in the Chair.)

Question recurring on the motion to postpone, it prevailed.

HOUSE BILL NO. 50 ON SECOND READING

On motion of Mr. Thornberry, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to engrossment, House Bill No. 50.

The Speaker then laid before the House, on its second reading, and passage to engrossment,

H. B. No. 50, A bill to be entitled "An Act providing for licensing of operators, commercial operators and chauffeurs; defining certain terms; providing for certain exemptions; prohibiting issuance of licenses to certain persons; making it unlawful for certain persons to operate a school bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators' commercial operators' and chauffeurs' licenses; providing for signing of application of minors and cancellation of minors' license upon application, and/or death of signatory; providing for examinations of applicants for operators' commercial operators' and chauffeurs' licenses, providing for the issuance of operators', commercial operators' and chauffeurs' licenses, and duplicates thereof; providing for the issuance of restricted operators', commercial operators' and chauffeurs' licenses, providing a penalty for a violation of the restrictions imposed and for the revocation or suspension of restricted licenses; relating to the carrying of a license by the licensee and exhibiting same; prescribing the amount of fees and providing for the collection of same by the Department of Public Safety and the disposition of same; providing for the time of expiration of licenses and for renewal of same; providing for notice to the Department of changes of address or name of licensee; providing for certain records to be kept by the Department of Public Safety; etc., and declaring an emergency."

The bill was read second time.

Mr. Hull offered the following amendment to the bill:

Amend House Bill No. 50, by striking all below the enacting clause, and substituting in lieu thereof, the following:

"Section 1. Definition of words and phrases.

The following words and phrases when used in this Act shall, for the purpose of this Act, have the meaning respectively ascribed to them in this title.

(a) "Vehicle"—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle"—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motorcycle"—Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor and machinery for maintaining or cleaning streets.

(d) "School Bus" Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(e) "Motor Bus"—Every vehicle, except those operated by muscular power or exclusively on stationary rails or tracks, which is used in transporting persons between or through two or more incorporated cities and towns for compensation (or hire), whether operated over fixed routes or otherwise; except such of said vehicles as are operated exclusively within the limits of incorporated cities and towns and suburban additions thereto.

(f) "Farm Tractor"—Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(g) "Implements of Husbandry"—Farm implements, machinery, and tools as used in tilling the soil, namely: cultivators, farm tractors, reapers, binders, combines, or mowing

machinery, but shall not include any automobile or truck.

(h) "Director"—The Director of the Department of Public Safety of the State of Texas.

(i) "Department"—The Department of Public Safety of the State of Texas, acting directly or through its authorized officers and agents, except in such sections of this Act in which some other State department is specifically named.

(j) "Persons"—Every natural person, firm, copartnership, association, or corporation.

(k) "Pedestrian" — Any person afoot.

(l) "Driver"—Every person who drives or is in actual physical control of a vehicle.

(m) "Operator" — Every person, other than a chauffeur or commercial operator, who is in actual physical control of a motor vehicle upon a highway.

(n) "Commercial Operator"—Every person who is the driver of a motor vehicle designed or used for the transportation of property, including all vehicles used for delivery purposes.

(o) "Chauffeur" — Every person who is the driver for wages, compensation or hire, or for fare, of a motor vehicle transporting passengers.

(p) "Non-resident"—Every person who is not a resident of this State.

(q) "Highway"—The entire width between property lines of any road, street, way, thoroughfare or bridge in this State not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the State has legislative jurisdiction under its police power.

Article II

Issuance of Licenses, Expiration, and Renewal

Section 2. Drivers must have license.

(a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this State unless such person has a valid license as an operator, a commercial operator or a chauffeur under the provisions of this Act.

(b) Any person holding a valid chauffeur's or commercial operator's license hereunder need not procure an operator's license.

(c) No person holding an operator's, commercial operator's or chauffeur's license duly issued under the provisions of this Act shall be required to obtain any license for the operation of a motor vehicle from any other State authority or department.

Section 3. What persons are exempt from license.

The following persons are exempt from license hereunder:

1. Every person in the service of the United States when operating an official motor vehicle in such service;

2. Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway;

3. A non-resident who is at least sixteen (16) years of age and who has in his immediate possession a valid operator's license issued to him in his home State may operate a motor vehicle in this State only as an operator;

4. A non-resident who is at least eighteen (18) years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home State may operate a motor vehicle in this State either as an operator, commercial operator or chauffeur except any such person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of this State, or must be licensed as a commercial operator before accepting employment as a commercial operator from a resident of this State, and provided further that a valid Texas operator's, commercial operator's or chauffeur's license is required of any person operating a motor vehicle in this State, which vehicle is registered in this State, or is operating under a permit issued by authority of the Highway Department of the State of Texas.

5. Any non-resident who is at least eighteen (18) years of age, whose home State does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than ninety (90) days in any calendar year, if the motor vehicle so operated is duly registered in the home State of such non-resident.

6. Any person who operates a motor vehicle shall not be required to

obtain a commercial operator's license when such motor vehicle is operated within the limits of any incorporated city, town or village, and any such vehicle is used for the purpose of transporting such person and/or the tools of his trade; provided, however, that such operator shall be required to obtain an operator's license under the terms of this Act.

Section 4. Who may not be licensed.

The Department shall not issue any license hereunder:

1. To any person as an operator, who is under the age of sixteen (16) years, except that the County Judge of the county wherein such person resides may, after investigation, authorize the Department, in writing, to issue a license to any such person, when, in his opinion, the person so applying is qualified and conditions exist which make it necessary for such person to be licensed as an operator; provided, however, that in no event shall an operator's license of any class be issued to any person less than twelve (12) years of age;

2. To any person, as a commercial operator, who is under sixteen (16) years of age;

3. To any person, as a chauffeur, who is under sixteen (16) years of age;

4. To any person, as an operator, a commercial operator or a chauffeur, whose license has been suspended, during such suspension or revocation;

5. To any person, as an operator, commercial operator or chauffeur, who is shown to be an habitual drunkard or addicted to the use of narcotic drugs;

6. To any person, as an operator, commercial operator or chauffeur, who has previously, by a court of competent jurisdiction, been adjudged insane or an idiot, imbecile, or feeble-minded, and who has not, at the time of such application, been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the Superintendent that such person is competent.

7. To any person who is afflicted with epilepsy, or who has, at any time, been subject to epileptic seizures.

8. To any person, as an operator, commercial operator or chauffeur, who

is required by this Act to take an examination unless such person shall have successfully passed such examination.

9. Neither an operator's, commercial operator's, nor chauffeur's license shall be issued to any person when in the opinion of the Department such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to understand highway warnings or direction signs in the English language; provided, however, no person shall be refused a license because of any physical defect unless it be shown by common experience that such defect incapacitates him from safely operating a motor vehicle.

Section 5. Special restrictions on drivers of school buses and public or common carrier motor vehicles.

- (a) No person who is under the age of twenty-one (21) years shall drive any motor vehicle while in use as a school bus for the transportation of pupils to or from school, nor any motor vehicle while in use as a public or common carrier of persons nor in either event until he has been licensed as a chauffeur.

Section 6. Application for license.

- (a) Every application for an operator's, commercial operator's or chauffeur's license shall be made upon a form furnished by the Department and shall be verified by the applicant before a person authorized to administer oaths, and officers and employees of the Department are hereby authorized to administer such oaths without charge. No officer or employee of the State shall be permitted to make any charge to administer such oaths. Every said application shall be accompanied by the required fee.

- (b) Every said application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall bear, for the purpose of more positive identification, and in order to prevent fraud, and for the purpose of a more rigid enforcement of this Act and other laws pertaining to motor vehicles, fingerprints of each applicant taken by such method as the Director

may specify, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what State or Country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal.

Section 7. Application of minors.

(a) The Department shall not grant the application of any minor under the age of eighteen (18) years for an operator's, commercial operator's or chauffeur's license unless such application is signed by the father of the applicant, if the father is living and has the custody of the applicant, otherwise by the mother or guardian having custody of such minor, or in the event a minor under the age of eighteen (18) years has no father, mother or guardian, the license shall not be issued to the minor unless his application therefor is signed by his employer or by the County Judge of his residence.

Section 8. Release from liability.

Any person who has signed the application of a minor for a license may thereafter file with the Department a request that the license of said minor so granted be canceled, which request shall be in writing and acknowledged before some officer authorized to administer oaths. Thereupon the Department shall cancel the license of said minor.

Section 9. Revocation of license upon death of person signing minor's application.

The Department upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a license may cancel such license and may not issue a new license until such time as a new application, duly signed and verified, is made as required by this Act. This provision shall not apply in the event the minor has attained the age of eighteen (18) years.

Section 10. Examination of applicants.

(a) The Department shall examine every applicant for an operator's, commercial operator's or chauffeur's license, except as otherwise provided in this Section. Such examination shall be held in the county where the applicant resides or makes application

within not more than ten (10) days from the date application is made. It shall include a test of the applicant's vision, his ability to understand highway signs in the English language regulating, warning, and directing traffic, his knowledge of the traffic laws of this State, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle and further physical and mental examination as the Department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways.

Section 11. Licenses issued to operators, commercial operators, and chauffeurs.

(a) The Department shall, upon payment of the required fee, issue to every applicant qualifying therefor an operator's, commercial operator's or chauffeur's license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, age, residence address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature with pen and ink at the time application is made. Provision shall be made as the Director may designate on each license to record by a punch mark a record of all convictions for all violations of this Act. All licenses shall be issued upon such material as is durable in form and shall be enclosed in a sealed transparent cover of such type of material as not to be subject to change, alteration or forgery.

Section 12. Restricted licenses.

(a) The Department upon issuing an operator's, commercial operator's or chauffeur's license shall have authority, whenever good cause appears, to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the Department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) The Department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(c) The Department may, upon re-

ceiving satisfactory evidence of any violation of the restrictions of such license, suspend, or revoke the same, but the licensee shall be entitled to a hearing as upon a suspension or revocation under this Act.

(d) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Sec. 13. License to be carried and exhibited on demand.

Every licensee shall have his operator's, commercial operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a magistrate or any officer of a court of competent jurisdiction or any peace officer. It shall not be a defense to any charge under this section that the person so charged produce in court an operator's, commercial operator's or chauffeur's license theretofore issued to such person and valid at the time of his arrest, but will limit the fine to Two (\$2.00) Dollars for the first offense, and Five (\$5.00) Dollars for each similar offense thereafter, and such convictions shall not be included in the 'three convictions' recited in Section 24, Subsection 4 of this Act.

Sec. 14. Duplicate licenses.

In the event that an instruction permit or operator's, commercial operator's or chauffeur's license issued under the provisions of this Act is lost or destroyed, the person to whom the same was issued may obtain a duplicate or substitute thereof upon furnishing proof satisfactory to the Department that such permit or license was lost or destroyed, and upon the payment of a fee of fifty (50c) cents.

Article III

Fees

Sec. 15. Disposition of fees.

All fees and charges required by this Act and collected by any officer or agent of the Department shall be remitted without deduction on Monday of each week to the Department at Austin, Texas, and all such fees so collected shall be deposited in the State Treasury in a fund to be known as the "Operator's and Chauffeur's License Fund," which fund shall be kept separate by the State Treasurer. All monies in the Operator's and Chauf-

feur's License Fund or as much thereof as may be necessary is hereby appropriated for the purpose of defraying the expenses of administering this Act through the biennium ending August 31, 1941, including the employment of necessary clerical and administrative help, and defraying the necessary expenses incident to any judicial hearing relative to the suspension or revocation of licenses, and including printing and transportation of all necessary forms and licenses hereinbefore provided, and including the purchase through bids taken by the Board of Control of all necessary furniture, fixtures and equipment of any nature. It is hereby declared to be the intention of the Legislature that all of the revenues accruing under the provisions of this Act shall be used for the purpose of protecting the public in general and the motoring public in particular.

Sec. 16. Restriction on use of funds.

No salaries shall be paid out of the fund hereby appropriated in excess of the salaries paid for like or similar services under the terms of the general Departmental bill.

Sec. 17. Method of disbursements.

All disbursements hereunder shall be by warrant issued by the Comptroller upon vouchers drawn by the Chairman of the Department of Public Safety Commission and approved by one other member of the Commission or the Director, and such vouchers shall be accompanied by itemized sworn statements of the expenditures for which they are issued.

Sec. 18. Report of receipts and expenses.

At the end of every fiscal year, the Department shall submit a comprehensive and complete report of the receipts and expenses of this Act to the Governor of the State of Texas.

Sec. 19. Expiration of licenses.

(a) Every operator's license shall expire three (3) years from the date of its issuance. Every such license shall be renewable on or before its expiration upon application and payment of the required fee, and shall be renewed without examination unless the Department has reason to believe that the licensee is no longer qualified to receive a license.

(b) Every commercial operator's and chauffeur's license shall expire one (1) year from date of its issuance

and shall be renewable on or before its expiration date upon application and payment of the required fee. The Department may in its discretion waive examination for the renewal of a commercial operator's or chauffeur's license.

Sec. 20. Fees for licenses.

(a) The fees as provided for in this Act shall be, as follows:

For a chauffeur's license, Three (\$3.00) Dollars; for a commercial operator's license, Two (\$2.00) Dollars; for an operator's license, One (\$1.00) Dollar.

Sec. 21. Notice of change of address or name.

Whenever any person after applying for or receiving an operator's, commercial operator's or chauffeur's license shall move from the address named in such application or in the license issued to him or when the name of the license is changed by marriage or otherwise such person shall within ten (10) days thereafter notify the Department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

Sec. 22. Records to be kept by the Department.

(a) The Department shall file every application for a license received by it and shall maintain suitable indices containing, in alphabetical or numerical order:

1. All applications denied and on each thereof note the reason for such denial;

2. All applications granted;

3. The name of every licensee whose license has been suspended or revoked by the Department and after each such name note the reasons for such action.

(b) The Department shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this State and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the Department upon any application for renewal of license and at other suitable times.

Article IV

Cancellation, Suspension and Revocation of Licenses

Sec. 23. Authority of Department to suspend or revoke a license.

(a) Before suspending the license of any person as authorized in this section, the Department shall provide for a hearing and immediately notify the licensee in writing of such hearing and shall afford the licensee an opportunity to attend the hearing as early as practical; such hearing to be set within not to exceed five (5) days after receipt of such notice by the licensee; such hearing shall be held in the county wherein the licensee resides unless the Department and the licensee agree that such hearing may be held in some other county. Upon such hearing the Department's duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Provided, however, that any person who is employed as a Highway Patrolman or Texas Ranger shall never be qualified to be designated as a duly authorized agent to hold the hearing as herein provided.

Upon such hearing the Department, good cause appearing therefor, may suspend or revoke the driving privileges and the license of the licensee, such suspension or revocation to be subject to any petition of appeal the licensee may make under the provisions of Section 32, this Act. Provided, however, that an order of the Department canceling or suspending a license after a hearing as herein provided, shall not be effective until and after a lapse of 20 days from the date of such order of suspension, cancellation, and/or revocation; and in no event shall any order of the Department become effective if the licensee has filed his petition for appeal in the County Court as provided in Section 32 of this Act, until the appeal has been heard.

(b) The authority to suspend the license of any operator, commercial operator, or chauffeur as authorized in this Section is granted the Department upon determining that the licensee:

1. Has committed an offense for which automatic suspension of license is made upon conviction;

2. Has been responsible as a driver for any accident resulting in the death or personal injury of another or serious property damage;

3. Is an habitually reckless or negligent driver of a motor vehicle;

4. Is an habitual violator of the traffic law;

5. Is incompetent to drive a motor vehicle;

6. Has permitted an unlawful or fraudulent use of such license;

7. Has committed an offense in another state, which if committed in this State would be grounds for suspension or revocation;

8. Has failed or refused to submit a report of any accident in which he was involved as provided in Section 40 of this Act.

Sec. 24. Period of suspension.

The Department shall not suspend a license for a period of more than one (1) year.

Sec. 25. Automatic suspension of license.

(a) The license of any person shall be automatically suspended upon final conviction of any of the following offenses:

1. Negligent homicide resulting from the operation of a motor vehicle;

1-a. Murder resulting from the operation of a motor vehicle;

2. Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drugs;

3. Any offense punishable as a felony under the motor vehicle laws of this State;

4. Upon three (3) convictions of violating any of the provisions of the laws of this State relating to the operation of motor vehicles on a public highway, committed within a period of twelve (12) consecutive months, except those laws relating to the gross weight of commercial motor vehicles, truck-tractors, trailers and semi-trailers;

5. A conviction of a driver of a motor vehicle involved in an accident or collision, upon a charge of failure to stop, render aid, and disclose his identity at the scene of said accident or collision;

6. A conviction upon a charge of aggravated assault upon the person by means of motor vehicle, as provided by law.

(b) The suspension above provided shall in the first instance be for a period of six (6) months. In the event

any license which shall be suspended under the provisions of this Section for a second or any subsequent time, said second and/or subsequent suspension shall be for a period of one year.

(c) The suspension of any license shall be automatically extended upon licensee being convicted of operating a motor vehicle while the license of such person is suspended; such extended period of suspension to be for a like period as the original suspension, and is in addition to any other penalty assessed, as provided in this Act.

Sec. 26. When court to report convictions.

(a) Whenever any person is convicted of any offense for which this Act makes automatic the suspension of the operator's, commercial operator's or chauffeur's license of such person, the court in which such conviction is had shall require the surrender to it of all operator's, commercial operator's and chauffeur's licenses then held by the person so convicted and the clerk of said court shall thereupon forward the same together with a record of such conviction to the Department, within ten (10) days from the date of conviction.

(b) Every court having jurisdiction over offenses committed under this Act, or any other Acts of this State regulating the operation of motor vehicles on highways, shall forward to the Department a record of the Conviction of any person in said court for a violation of any said laws, and may recommend the suspension of the operator's, commercial operator's or chauffeur's license of the person so convicted, as provided in Section 23 of this Act.

(c) For the purpose of this Act, the term "conviction" shall mean a final conviction. Also, for the purpose of this Act, a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

Provided, however, that in case of conviction for any of the offenses enumerated in paragraph (a) of Section 25 of this Act, and the sentence of the court having been suspended as provided in the statutes, such suspended sentence shall not mitigate against the suspension of the operator's, commercial operator's or chauffeur's license of the person convicted.

Sec. 27. Surrender and return of license.

The Department, upon suspending or revoking a license, shall require that such license shall be surrendered to and be retained by the Department except that at the end of the period of suspension of such license, the license so surrendered shall be returned to the licensee.

Sec. 28. No operation under foreign license during suspension or revocation in this State.

No person, resident or non-resident, whose operator's, commercial operator's or chauffeur's license or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in this Act shall operate a motor vehicle in this State under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this Act.

Sec. 29. Suspending resident's license upon conviction in another State.

The Department is authorized to suspend or revoke the license of any resident of this State upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this State, would be grounds for suspension or revocation of the license of an operator, commercial operator or chauffeur.

Sec. 30. Suspending privileges of non-residents and reporting convictions.

(a) The privilege of driving a motor vehicle on the highways of this State given to a non-resident hereunder shall be subject to suspension or revocation by the Department in like manner and for like cause as an operator's, commercial operator's or chauffeur's license issued hereunder may be suspended or revoked.

(b) The Department is further authorized, upon receiving a record of the conviction in this State of a non-resident driver of a motor vehicle of any offense under the motor vehicle laws of this State, to forward a certified copy of such record to the motor vehicle administrator in the State wherein the person so convicted is a resident.

Section 31. Cancellation of license because of mental incompetence.

It shall be unlawful for any person

to act as an operator, commercial operator or chauffeur who is an habitual drunkard or is addicted to the use of narcotic drugs, or who is an epileptic, or who has been adjudged insane or an idiot, imbecile, or feeble-minded, and who has not been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the Superintendent that such person is competent, and any finding by any court of competent jurisdiction that any person holding an operator's license, commercial operator's license or chauffeur's license is either insane, feeble-minded, an habitual drunkard, an epileptic, an imbecile, idiot, or addicted to the use of narcotics, shall carry with it a revocation of such operator's, commercial operator's, or chauffeur's license, and it shall be the duty of the Clerk of any court in which such findings are made, to certify same to the Department within ten (10) days.

Section 32. Right of appeal to courts.

(a) Any person denied a license or whose license, following a hearing by the Department, has been ordered cancelled, suspended or revoked by the Department, except where such suspension is automatic under the provisions of this Act, shall be granted twenty (20) days thereafter in which to file a petition for a hearing in the matter (appealing from the ruling of the Department), before the Judge of the County Court at Law in the county wherein such person shall reside, or if there be no such Judge, then before the Judge of the County Court of said county. And such Court is hereby vested with jurisdiction and it shall be its duty to set the matter for a hearing before said Judge, said hearing to be held within ten (10) days of the filing of the said notice of appeal by the licensee; provided, however, that said Court shall give five (5) days written notice of such hearing to the Department; thereupon, it shall be the duty of said Court to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license, or is subject to the suspension, cancellation or revocation of his license under the provisions of this Act and under the provisions of any ruling made by the Department following a hearing.

Section 33. Violation of license provisions.

It shall be unlawful for any person to commit any of the following acts:

1. To display or cause or permit to be displayed or to have in possession any operator's, commercial operator's, or chauffeur's license knowing the same to be fictitious or to have been canceled, revoked, suspended or altered;

2. To lend or to knowingly permit the use of, by one not entitled thereto, an operator's, commercial operator's or chauffeur's license issued to the person so lending or permitting the use thereof;

3. To display or to represent as one's own, any operator's, commercial operator's or chauffeur's license not issued to the person so displaying same;

4. To fail or refuse to surrender to the Department on demand any operator's, commercial operator's or chauffeur's license which has been suspended, canceled or revoked as provided by law;

5. To apply for or have in one's possession more than one operator's, commercial operator's or chauffeur's license that is currently valid;

6. To use a false or fictitious name or give a false or fictitious address in any application for an operator's, commercial operator's or chauffeur's license, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

Section 34. Making false affidavit false swearing.

Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this Act to be sworn to or affirmed, is guilty of false swearing and upon conviction shall be punishable by fine or imprisonment as other persons committing false swearing are punishable.

Section 35. Driving while license suspended or revoked.

Any person whose operator's, commercial operator's or chauffeur's license or driving privilege as a non-resident has been canceled, suspended or revoked as provided in this Act, and who drives any motor vehicle upon the highways of this State while such

license or privilege is canceled, suspended or revoked is guilty of a misdemeanor, and, upon conviction, shall be punished by fine of not less than Twenty-five (\$25.00) Dollars and not more than Five Hundred (\$500.00) Dollars, and, in addition thereto, there may be imposed a sentence of imprisonment not to exceed six (6) months.

Section 36. Permitting unauthorized minor to drive.

No person shall cause or knowingly permit his child or ward under the age of eighteen (18) years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this Act.

Section 37. Permitting unauthorized person to drive.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this Act.

Section 38. Employing unlicensed chauffeur or commercial operator.

No person shall employ as a chauffeur or commercial operator of a motor vehicle any person not then licensed as provided in this Act.

Section 39. Renting motor vehicle to another.

(a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a non-resident, then duly licensed under the laws of the State of his residence except a non-resident whose home State does not require that an operator be licensed.

(b) No person shall rent a motor vehicle to another until he has inspected the operator's, commercial operator's or chauffeur's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

(c) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the licensee of said latter person and the date and place when and where said license was issued. Such record shall

be open to inspection by any police officer or officer or employee of the Department.

Article V

Accident Reports

Section 40. Accidents to be reported by persons involved on demand by the Department.

Every person involved in an accident where one or more motor vehicles are involved and who is the holder of an operator's, commercial operator's or chauffeur's license, under the provisions of this Act, shall on demand by the Department make a report of such accident to the Department of Public Safety within forty-eight (48) hours of receipt of such demand. Refusal to make such report shall render the holder of such license liable to suspension or revocation of such license. Reports required by this Section shall be deemed privileged communications.

Section 41. Accident statistics and reports.

(a) The Department shall prepare and shall supply to police and sheriff's offices and other suitable agencies, forms for accident reports, and such reports shall be made within a reasonable time from the date of such accident by any such officers or agencies to the Department at Austin, Texas, sufficiently detailing all the facts with reference to any highway accident, and the persons and vehicles involved.

Section 42. Report of deaths resulting from accidents.

Every coroner, justice of the peace or other official performing like functions shall on or before the tenth day of each month report in writing to the Department the death of any persons within his jurisdiction during the preceding calendar month as the result of any accident in which a motor vehicle was involved and the circumstances of such accident.

Sec. 43. Accident reports confidential.

All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known as when such person denies his presence at such accident. No such report shall be used as evi-

dence in any trial, civil or criminal, arising out of such accident, except that the Department shall furnish upon request of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a specified report has or has not been received by the Department, solely to prove a compliance or failure to comply with the requirement that such a report be made to the Department.

Sec. 44. Department to tabulate accident reports.

The Department shall receive accident reports required to be made by Law and shall tabulate and analyze such reports and publish annually or at more frequent intervals, statistical information based thereon as to the number, cause and location of highway accidents; and the Department shall biennially report to the Governor and the Legislature the abstract of such reports for the preceding biennium, with its conclusions and findings and recommendations for decreasing highway accidents and increasing safety upon the highways of Texas.

Article VI

Sec. 45. Penalty for violation of Act.

(a) It shall be a misdemeanor for any person to violate any of the provisions of this Act unless such violation is by this Act or other laws of this State declared to be a felony.

(b) In addition to any other penalties hereinbefore provided, and unless another penalty is in this Act or by the laws of this State provided, every person convicted of a misdemeanor for the violation of any provision of this Act shall be punished by fine of not more than Two Hundred (\$200.00) Dollars.

Sec. 46. Effective date of Act.

This Act shall become effective from and after August 31, 1939.

Sec. 47. Repeal of conflicting laws.

From and after the effective date of this Act, all laws or parts of laws in conflict herewith are hereby expressly repealed, and more particularly Senate Bill No. 15, Chapter 466, page 1785, General Laws, Second Called Session, Forty-fourth Legislature, as amended by House Bill No. 16, Chapter 369, page 752, General and Special Laws, Regular Session, Forty-fifth Legislature.

Sec. 48. Constitutionality.

If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not effect the validity of the remaining parts of this Act and the Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 49. Emergency Clause.

The fact that the Regular Session of the Forty-sixth Legislature is fast growing to a close and due to the fact of the crowded condition of the calendar and due to the fact that fatalities under the provisions of this Act will be greatly reduced, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act shall take effect and be in force as provided in Section 46 of said Act, and it is so enacted."

(Pending consideration of the amendment, Mr. Thornton occupied the Chair temporarily.)

(Speaker in the Chair.)

Question—Shall the amendment by Mr. Hull be adopted?

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read, the following message from the Governor:

April 24, 1939.

To the Members of the House of Representatives of the Forty-sixth Legislature:

In compliance with the terms of House Concurrent Resolution No. 98 I am herewith returning House Bill No. 310 to your body for such further consideration as you wish to give it.

Very truly yours,

W. LEE O'DANIEL,
Governor.

HOUSE BILLS ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Harris:

H. B. No. 1010, A bill to be entitled "An Act providing for a rural school

music supervisor in certain counties; prescribing the duties of said supervisor; prescribing the method of employing the supervisor; providing for removal of such supervisor by the County Board of School Trustees on recommendation of the county superintendent; prescribing manner of fixing and paying salary, and declaring an emergency."

Referred to the Committee on Education.

Mr. Harrell of Bastrop asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1011.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Harrell of Bastrop:

H. B. No. 1011, A bill to be entitled "An Act creating a Board of Blacksmiths and prohibiting the practice of Blacksmithing without registration by the Board; providing for appointment of members of the Board; providing that the Board shall adopt reasonable and necessary rules and regulations; providing that the Board shall prosecute violations under this Act; providing compensation for members of the Board; providing that the Board shall examine and register applicants and adopt reasonable rules in this connection; providing qualifications for registration and examination; providing for the issuance of registration certificates; providing certain exceptions to the examination; providing for the filing and prosecution of appropriate judicial proceedings and providing for the prosecutor; providing for the payment of annual fees by persons practicing this profession; and providing certain penalties."

Referred to the Committee on State Affairs.

Mr. Davis of Upshur asked unanimous consent to introduce, at this time, and have placed on first reading, House Bill No. 1012.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Davis of Upshur:

H. B. No. 1012, A bill to be entitled "An Act validating County Line Com-

mon School Districts and County Line Consolidated Common School Districts in this State; validating all acts of the Board or Boards of Trustees in such Districts; validating acts of County Commissioners' Courts in ordering an election; validating all acts of County Judges in ordering elections; validating all acts of officials declaring the results of such elections; validating all bonds issued now outstanding; validating all tax levies heretofore made; and all bonds heretofore authorized or heretofore voted but not yet issued; validating all orders, notices and things requested in the authorization and issuance of bonds; validating the sale, execution and delivery thereof; validating each and every procedural act heretofore done or performed in the organization, management, control, and operation of such school districts, and declaring an emergency."

Referred to the Committee on School Districts.

BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill, and resolutions:

H. C. R. No. 110, Recalling House Bill No. 84 from the Governor.

H. C. R. No. 111, Recalling House Bill No. 166 from the Governor.

H. B. No. 931, "An Act to increase the criminal jurisdiction of the 76th Judicial District Court of Morris County, transferring all criminal cases on the docket of the County Court to the docket of the District Court at the time of the passage of this Act, and to conform the jurisdiction of the County and Justice Courts of said County to such change; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

RECESS

On motion of Mr. Fielden, the House, at 5:15 o'clock p. m., took recess until 7:30 o'clock p. m., today.

NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

LEAVE OF ABSENCE GRANTED

(By unanimous consent)

Mr. Reaves was granted leave of absence for this evening, on account of illness in his family, on motion of Mr. Boyd.

BILL ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Hardin, House Bill No. 984 was ordered not printed.

RELATIVE TO SHOWING OF CERTAIN FILM

Mr. Hardin offered the following resolution:

H. S. R. No. 242, Relative to showing of certain film.

Whereas, The screening of a film entitled "Sam Houston, Man of Conquest" will shortly be shown in the theaters of Texas; and

Whereas, This picture teems with facts and circumstances surrounding Sam Houston, the Man of Conquest and is a historical presentation of the life of this illustrious statesman; and

Whereas, The witnessing of this picture will be a delight, as well as instructive to every Texan; and

Whereas, The portrayal of the character, habits and life of this illustrious statesman, scholar and patriot presents an opportunity for every school boy and girl in Texas to enlarge their field of knowledge and gain inspiration from seeing this picture; now, therefore, be it

Resolved by the House of Representatives, That every citizen of Texas, including school children, avail themselves of the opportunity to see one of the most outstanding educational pictures presented during our generation.

The resolution was read second time, and was adopted.

EXPRESSING APPRECIATION TO CITIZENS OF SAN ANTONIO

Mr. Hartzog offered the following resolution:

H. S. R. No. 243, Expressing appreciation to citizens of San Antonio.

Whereas, On Friday, April 21, the entire Membership of the House of Representatives were honored by an invitation to attend the Parade of the

World Famous "Battle of Flowers" in San Antonio, Texas, by the Bexar County delegation, through the generosity of the distinguished Colonel W. D. Tuttle and other outstanding citizens of San Antonio; and

Whereas, Numerous Members of the Legislature, their wives and families availed themselves of this privilege and wholeheartedly enjoyed the beautiful parade and the hospitality of San Antonio and its citizens; therefore, be it

Resolved, That we express to Colonel W. D. Tuttle, the Quintuplet Bexar County delegation and those distinguished citizens of San Antonio, who made our trip possible and enjoyable, our sincerest thanks and gratitude for this splendid occasion and that a copy of this resolution be forwarded to Colonel W. D. Tuttle as a token of our appreciation.

HARTZOG,
MONKHOUSE.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickson, Donaghey, Dowell, Faulkner, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Tay-

lor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. McAlister, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

AUTHORIZING THE LOAN OF CERTAIN HIGHWAY EQUIPMENT

Mr. Hunt offered the following resolution:

H. C. R. No. 112, Authorizing a loan of certain highway equipment.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in their warehouse in Throckmorton, Throckmorton County, Texas; and

Whereas, The Throckmorton Independent School District of Throckmorton anticipates a large number of people attending their various athletic meets; and

Whereas, The Throckmorton County Fair Association is to use said campus in their various entertainments during their annual meet; and

Whereas, It will be necessary and important to said School District to fence the ground where said meet will be held; and

Whereas, It will be a great accommodation to such School District, if said Highway Department permitted said School District the use of the discarded wire hereinabove mentioned for the purpose of fencing the grounds; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the State Highway Department of Texas be authorized to loan to the School Board of the Independent School District of Throckmorton, sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out, said School Board to return wire upon request of the State Highway Department, and it is so resolved.

The resolution was read second time, and was adopted.

(Mr. Hull in the Chair.)

(Speaker in the Chair.)

HOUSE BILL NO. 456 ON SECOND
READING

On motion of Mr. Crossley, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 456.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 456, A bill to be entitled "An Act amending Article 7345, Chapter 10, Title 122, Revised Civil Statutes of the State of Texas, of 1925, as amended by Acts of the Forty-third Legislature, First Called Session, 1933, page 271, Chapter 98, as amended by Acts of the Forty-fourth Legislature, 1935, page 415, Chapter 165, Section 1 as amended by Senate Bill No. 477, Acts of the Forty-fifth Legislature, 1937, as amended by House Bill No. 456, Acts of the Forty-fifth Legislature, 1937, by adding thereto a new Article to be numbered 7345d, conferring on Commissioners Courts the power to reopen and reconsider any assessment for taxes, whether on the rendered or unrendered rolls, and whether current or delinquent upon the application of the owner of such property, or his duly authorized agent, when the assessment is alleged to be discriminatory, or the property rendered for more than its true taxable value, or where said property has greatly depreciated in value, or where by reason of the accumulation of taxes, penalties, interest and costs, enforced collection would be inequitable or confiscatory; providing for hearings on such applications, for certified copies of any such orders passed to be furnished the State Comptroller and Assessor-Collector; etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 456 ON THIRD
READING

Mr. Chambers moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 456 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Allen	Johnson of Ellis
Alsup	Johnson of Tarrant
Anderson	Kern
Bailey	Kersey
Baker	King
of Fort Bend	Langdon
Bell	Lehman
Boethel	Leyendecker
Bradbury	Little
Bradford	Lock
Bridgers	McAlister
Broadfoot	McDaniel
Brown of Cherokee	McDonald
Brown	McFarland
of Nacogdoches	McMurry
Bundy	McNamara
Burkett	Montgomery
Burney	Morris
Cauthorn	Newell
Chambers	Nicholson
Clark	Oliver
Cleveland	Petsch
Cockrell	Pevehouse
Coleman	Piner
Colson, Mrs.	Pope
Cornett	Reader of Bexar
Crossley	Reader of Erath
Daniel	Reed
Davis of Jasper	Rhodes
Davis of Upshur	Riviere
Dickison	Roach
Dickson	Roberts
Donaghey	Robinson
Dwyer	Russell
Ferguson	Segrist
Fielden	Skiles
Fuchs	Smith of Hopkins
Galbreath	Smith
Gilmer	of Matagorda
Goodman	Spencer
Gordon, Mrs.	Stinson
Hale	Stoll
Hamilton	Tarwater
Hankamer	Taylor
Hardin	Tennant
Harp	Turner
Harper	Waggoner
Harrell of Bastrop	Weldon
Harrell of Lamar	Wells
Hartzog	Westbrook
Heflin	White
Holland	Wilson
Howington	Winfree
Hull	Wood
Hunt	Worley
Isaacks	Wright

Nays—16

Baker of Grayson	Boyer
Bond	Bray
Boyd	Colquitt

Faulkner	London	McFarland	Russell
Hardeman	Mohrmann	McMurry	Segrist
Keith	Talbert	McNamara	Skiles
Kennedy	Thornberry	Monkhouse	Smith of Hopkins
Kerr	Vint	Montgomery	Smith
		Morris	of Matagorda
	Absent	Newell	Spencer
Allison	Mays	Nicholson	Stinson
Blankenship	Monkhouse	Oliver	Stoll
Celaya	Pace	Petsch	Tarwater
Corry	Ragsdale	Pevehouse	Taylor
Dean	Schuenemann	Piner	Turner
Felty	Shell	Pope	Weldon
Harris	Smith of Frio	Reader of Bexar	Wells
Howard	Thornton	Reader of Erath	Westbrook
Kinard	Vale	Reed	White
Leonard	Voigt	Rhodes	Wilson
Loggins		Riviere	Winfree
	Absent—Excused	Roach	Wood
Derden	Reaves	Roberts	Worley
Dowell		Robinson	Wright

The Speaker then laid House Bill No. 456 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—105

Allison	Fielden
Alsup	Fuchs
Anderson	Galbreath
Bailey	Goodman
Baker	Gordon, Mrs.
of Fort Bend	Hale
Bell	Hankamer
Boethel	Hardin
Bradbury	Harp
Bradford	Harper
Bridgers	Harrell of Bastrop
Brown of Cherokee	Harrell of Lamar
Brown	Hartzog
of Nacogdoches	Heflin
Bundy	Holland
Burkett	Howington
Burney	Hull
Chambers	Hunt
Clark	Isaacks
Cleveland	Johnson of Ellis
Cockrell	Johnson of Tarrant
Coleman	Kern
Colson, Mrs.	Kersey
Cornett	Kinard
Corry	King
Crossley	Langdon
Daniel	Lehman
Davis of Jasper	Leyendecker
Davis of Upshur	Little
Dickison	Lock
Dickson	McAlister
Donaghey	McDaniel
Ferguson	McDonald

Nays—22

Allen	Keith
Baker of Grayson	Kennedy
Bond	Kerr
Boyd	London
Boyer	Mohrmann
Bray	Smith of Frio
Cauthorn	Talbert
Colquitt	Tennant
Faulkner	Thornberry
Hamilton	Vint
Hardeman	Waggoner

Absent

Blankenship	Loggins
Broadfoot	Mays
Celaya	Pace
Dean	Ragsdale
Dwyer	Schuenemann
Felty	Shell
Gilmer	Thornton
Harris	Vale
Howard	Voigt
Leonard	

Absent—Excused

Derden	Reaves
Dowell	

Mr. Chambers moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

REQUEST OF SENATE GRANTED

On motion of Mr. Alsup, the House granted the request of the Senate, for the appointment of a Conference Committee on Senate Bill No. 36.

In accordance with the above action, the Speaker announced the appoint-

ment of the following Conference Committee on Senate Bill No. 36: Messrs. Alsup, Bundy, Bell, Brown of Cherokee and Hardin.

MOTION TO PLACE HOUSE BILL NO. 23 ON SECOND READING

Mr. Corry moved that the regular order of business be suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 23, A bill to be entitled "An Act to be known and cited as the Texas Farm Tenancy Act; to state the general purpose of this Act; to establish a code of working relationships between Texas tenant farmers and landlords; to encourage the development of more profitable farm practices; to provide protection of the rights of the tenant farmers, landlords and the State of Texas in the enterprise known as tenant farming; defining the terms set forth in said Act; providing for lease tenure and termination on rented farm land; compensating for improvements thereon; removal of fixtures and buildings therefrom; compensation for increased value thereof; and providing compensation for disturbance; providing for the production of subsistence food and feed products on tenant farms; etc., and declaring an emergency."

The motion was lost.

Mr. Cornett moved to reconsider the vote by which the House refused to take up House Bill No. 23, on its second reading and passage to engrossment.

Mr. Stinson moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—67

Alsup	Cleveland
Anderson	Coleman
Baker of Grayson	Colquitt
Boethel	Colson, Mrs.
Bond	Crossley
Boyer	Davis of Upshur
Bray	Donaghey
Brown of Cherokee	Dwyer
Bundy	Faulkner
Burkett	Ferguson
Cauthorn	Galbreath
Celaya	Gilmer
Clark	Goodman

Gordon, Mrs.
Hamilton
Hardeman
Harper
Howington
Hunt
Johnson of Ellis
Keith
Kern
King
Langdon
Lehman
Leyendecker
Little
Lock
London
McDonald
Pace
Petsch
Pope
Reader of Bexar

Reed
Rhodes
Roberts
Russell
Segrist
Smith of Hopkins
Smith
of Matagorda
Stinson
Stoll
Talbert
Thornberry
Turner
Vale
Vint
Waggoner
Wells
Wilson
Winfree
Wood
Wright

Nays—49

Allison
Bailey
Baker
of Fort Bend
Bell
Boyd
Bradbury
Bradford
Brown
of Nacogdoches
Burney
Chambers
Cockrell
Cornett
Corry
Dickson
Fielden
Hale
Hankamer
Hardin
Harp
Harrell of Bastrop
Harrell of Lamar
Isaacks
Kennedy
Kerr

Kersey
Kinard
McAlister
McFarland
McMurry
McNamara
Mohrmann
Montgomery
Morris
Newell
Oliver
Pevehouse
Piner
Reader of Erath
Riviere
Roach
Robinson
Skiles
Spencer
Taylor
Tennant
Thornton
Weldon
Westbrook
Worley

Absent

Allen	Heflin
Blankenship	Holland
Bridgers	Howard
Broadfoot	Hull
Daniel	Johnson of Tarrant
Davis of Jasper	Leonard
Dean	Loggins
Dickison	Mays
Felty	McDaniel
Fuchs	Monkhouse
Harris	Nicholson
Hartzog	Ragsdale

Schuenemann	Tarwater
Shell	Voigt
Smith of Frio	White

Absent—Excused

Derden	Reaves
Dowell	

RELATIVE TO HOUSE BILL NO. 963

On motion of Mr. McFarland, and by unanimous consent of the House, the caption of House Bill No. 963 was ordered amended to conform to all changes and with the body of the bill.

HOUSE BILL NO. 688 ON SECOND READING

On motion of Mr. Tarwater, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment, House Bill No. 688.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 688, A bill to be entitled "An Act to amend Sections 1 and 6 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any portion hereof be unconstitutional or invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Tarwater offered the following amendment to the bill:

Amend House Bill 688 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Section 1, Chapter 13, Acts of the Third Called Session of the Forty-second Legisla-

ture, be amended so as to read hereafter as follows:

"Section 1. It is hereby expressly recognized and declared that all highways now or heretofore constituting a part of the system of state highways, which shall have been constructed in whole or in part from the proceeds of bonds, warrants, or other evidences of indebtedness heretofore issued by counties of the State of Texas, or by the defined road districts of the State of Texas under the laws authorizing the same, have been, are and will continue to be beneficial to the State of Texas at large, and have contributed and will contribute, substantially to the general welfare, settlement and development of the entire state and that by reason of the foregoing a heavy and undue burden has been placed upon such counties and defined road districts, and their inhabitants, and both a legal and moral obligation rest upon the State to compensate and reimburse such counties and defined road districts which, as aforesaid, have performed functions resting upon the State, and have paid expenses which were and are properly state expenses, or for the use and benefit of the State.

It is further declared to be the policy of the State to take over, acquire and/or purchase and retain the interest and equities of the various counties and defined road districts in and to the roads constituting a part of the system of designated state highways and to reimburse said counties and districts therefor, and to provide for the acquisition, establishment, construction, maintenance, extensions, and development of the system of designated state highways of Texas from some source of income other than the revenues derived from ad valorem taxes. And it is hereby determined that the further provisions of this Act constitute a fair, just and equitable compensation, repayment and reimbursement to said counties and defined road districts for their aid and assistance which have been rendered to the State in the construction of a system of state highways, and fully discharges the legally implied obligations of the State to compensate, repay and reimburse the agencies of the State for expenses which have been incurred for the benefit of the State in the construction of

public roads which have been designated as state highways of Texas."

Sec. 2. That Section 6, Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, be amended so as to read hereafter as follows:

"Section 6. Each month the Comptroller of Public Accounts, after computing and ascertaining the maximum amount of refunds that may be due by the State on the business of selling gasoline, as provided in Section 17, Chapter 88, General Laws, Acts of the 2nd Called Session of the 41st Legislature, as amended by Chapter 104, General Laws, Acts of the Regular Session of the 42nd Legislature, shall deduct same from the total occupation or excise tax paid on the business of selling gasoline, as imposed by Section 17, Chapter 98, General Laws, Acts of the Regular Session of the 42nd Legislature; and, beginning with said taxes collected on and after October 1st, 1932, shall, after deducting the said maximum amount of refunds, allocate and place the remainder of said occupation or excise tax on the business of selling gasoline, in the State Treasury as provided by law, in the proportion as follows: One-fourth ($\frac{1}{4}$) of such occupation or excise tax shall go to, and be placed to the credit of, the Available Free School Fund; one-fourth ($\frac{1}{4}$) of the same shall go to, and be placed to the credit of, a fund to be known as the "County and Road District Highway Fund," subject to the provisions and limitations of Section 3 of this Act; the remainder of such occupation or excise tax shall go to, and be placed to the credit of the State Highway Fund, for the construction and maintenance of the public roads of the State, constituting and comprising the system of State Highways of Texas, as designated by the State Highway Commission of Texas."

Sec. 3. That Section 7, Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, as amended

by Chapter 370, Acts of the Regular session of the Forty-fifth Legislature, be amended so as to read hereafter as follows:

"Sec. 7. (a) All bonds, warrants or other evidence of indebtedness heretofore issued by counties or defined road districts of the State, in so far as amounts of same were issued for, and the proceeds have been actually expended in the construction of roads that constituted and comprised a part of the system of designated State Highways on September 17, 1932, or which subsequent to such date, and prior to January 1, 1939, have been designated a part of the system of State Highways, or any road that heretofore has constituted a part of said system, and which has been or may be changed, relocated or abandoned, whether said indebtedness is now evidenced by the obligations originally issued or by refunding obligations or both, shall be eligible to participate as of January 1, 1933, in the distribution of the moneys coming into said County and Road District Highway Fund subject to the provisions of this Act; provided that such indebtedness, the proceeds of which have been expended in the construction of roads which have been designated as a part of the State Highway system after September 17, 1932, and prior to January 1, 1939, shall participate in said County and Road District Highway Fund as of the date of the designation of said road as a part of the State System; provided further, that any participation in said fund by all counties and defined road districts shall be less the amount of the sinking funds which were required to be accumulated in such funds of the respective counties and defined road districts under the provisions of the Statutes and order of the Commissioners Court authorizing the issuance of said eligible obligations, and the tax levy authorized at the time of issuance thereof, for the time such obligations have run or may have run, regardless of whether the full amount of said funds are or may be actually on hand and to the credit of the sinking funds of the several counties and defined road districts. It being expressly provided in this connection that the term 'sinking funds' shall include only those funds required

under law for the retirement of bonds, and shall not include any excess or surplus which may have been accumulated by any county or defined road district above the legal requirements. The amount of such eligible indebtedness shall be determined as hereinafter provided. Provided further, that no State funds created or provided for by the terms of this Act, shall be expended in the payment of an interest maturing on the amount of sinking funds required by the terms of this Act to be accumulated by the county or defined road district at the date of eligibility of its obligations. In the event the State Highway Commission has, on a date prior to September 17, 1932, indicated its intention of designating as State Highways the public roads of any county or defined road district in this State, and has recorded such intention in its official records, then the provisions of this Act shall apply as if the said roads had actually been designated prior to September 17, 1932.

“(b) The Board of County and District Road Indebtedness, created by Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, consisting of the State Highway Engineer, State Comptroller of Public Accounts, and State Treasurer, is hereby continued and charged with the duties of administering this Act. The State Comptroller of Public Accounts shall be the Secretary of said Board and said Board shall elect its own chairman from its membership. The Board shall adopt its own rules consistent with this Act for the proceedings held hereunder, and shall have authority to call to its assistance in arriving at the amount of bonds, warrants, or other evidences of indebtedness eligible to participate in the County and Road District Highway Fund, any official or employe of this State, and shall avail itself of all data and information assembled in the administration of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and said Board is hereby authorized to call on any County Judge or any County or State official or employe, and shall have full access to all the records, books, and public documents for the purpose of obtaining any information which it

may deem necessary and pertinent to its inquiry in arriving at the amount of bonds, warrants, or other evidences of indebtedness eligible to participate in the County and Road District Highway Fund.

“(c) It shall be the duty of the Board of County and District Road Indebtedness, from the data and information furnished by the County Judges of the State, and by the Chairman of the State Highway Commission and by the State Comptroller of Public Accounts, and from such further investigation as said Board may deem necessary, to ascertain and determine the amount of indebtedness eligible under the provisions of this Section of this Act to participate in the moneys coming into said County and Road District Highway Fund. Whenever in the case of any particular issue of obligations the proceeds thereof shall have been expended partly on the designated State highways, or highways heretofore constituting designated State highways, and partly on roads which never have been designated State highways, said Board shall ascertain and determine the amount of said obligations, the proceeds of which were actually expended on State highways or on roads heretofore constituting State highways, and said obligations to said amount and extent shall be eligible for participation in the moneys coming into the County and Road District Highway Fund, and said ascertainment and determination shall be certified to the County Judge by said Board and all of the unmatured outstanding obligations of said issue shall ratably have the benefit of said participation in said moneys. The ascertainment and determination by the Board of County and District Road Indebtedness, after reasonable notice and hearing of the amount of any county or defined road district obligations eligible under the provisions of this Act to participate in any moneys coming into the County and Road District Highway Fund, or as to the amount of any obligations the proceeds of which were actually expended on State highways, or on roads heretofore constituting State highways, shall be final and conclusive and shall not be subject to review in any other tribunal. But said Board of County and District Road Indebtedness shall have the right at

any time to correct any errors or mistakes it may have made.

"(d) The Board shall make and keep a record of all county and defined road district eligible obligations, issue by issue, and a book shall be prepared and kept in which shall be recorded all eligible issues, maturity dates of principal and interest, rates of interest and places of payment for each county and each defined road district; each issue and the date pertaining to same shall be listed separately. The Board shall keep a record of all vouchers issued.

"(e) The State Treasurer shall keep a separate account for each county and defined road district, or any moneys received for the credit of said county or defined road district pursuant to the provisions hereof.

"(f) A list shall be compiled by the Board of County and District Road Indebtedness showing the amount ascertained and determined by it to be the eligible indebtedness of each county and defined road district, and a copy thereof shall be furnished to each County Judge in this State.

"(g) From year to year, and not later than July 15th of each year, said Board shall ascertain and determine the sum necessary to pay the interest, principal, and sinking fund requirements on all eligible obligations for the next succeeding calendar year and shall estimate the sum which shall be applicable to the same, and shall, not later than August 1st of each year, give notice to the County Judge of each county of the estimated amount available for application to said interest, principal, and sinking fund requirements. In the event the amount so estimated to be applied to the payment of eligible obligations for any county or defined road district is sufficient to meet all maturing interest, principal, and sinking fund requirements, the Commissioners Court may dispense with the collection of ad valorem levies for such calendar and/or fiscal year for such interest, principal, or sinking fund requirements. In the event the amount of payments so estimated to be applied is not sufficient to meet the maturing interest, principal, and sinking fund requirements, the County Commissioners Court shall collect from taxes on the property in said respective coun-

ties and defined road districts, an amount of money equal to the difference between the amount of such requirements and the amount available for application. In this connection it is declared to be the intent of the Legislature that all contractual duties and obligations which may exist between any county and/or defined road district and the owner or holder of the present outstanding indebtedness of any county and/or defined road district, shall not be in any manner disturbed or impaired and shall remain inviolate. Any tax heretofore provided to be levied in support of any present outstanding indebtedness affected by the provisions of this Act shall continue to be assessed, levied, and collected as originally provided; however, the collection of said tax shall, by order of the Commissioners Court, be lessened and reduced by the payments made, and to be made, thereon and in behalf of such indebtedness out of the County and Road District Highway Fund, as herein provided, and as succeeding Legislatures shall, by appropriation, make provisions therefor. The entire proceeds of all taxes collected on any eligible issue of bonds shall be remitted by the County Treasurer of each county collecting the same, together with a statement of the amount collected, to the State Treasurer and shall be held by the State Treasurer as ex-officio Treasurer of said county or defined road district for the benefit of the county or defined road district remitting the same, and be disbursed to meet the interest, principal, and sinking fund requirements on the eligible obligations of said county or defined road district. In the event the amount of funds available to be applied to meet the maturing interest, principal, and sinking fund requirements in any calendar or fiscal year is not sufficient to satisfy such requirements, the moneys available in the County and Road District Highway Fund, as estimated and determined by the Board, shall be, for that calendar or fiscal year first applied to the payment and satisfaction of interest maturing on all eligible obligations during the particular calendar and/or fiscal year, and this payment is to be made ratably upon the interest on eligible obligations of the various counties or defined

road districts; and if there is more of said moneys available than necessary to pay all of said interest, then such balance over the required interest payment for such year shall be distributed ratably to each issue of eligible obligations on the basis of the principal of eligible obligations and sinking fund requirements thereon maturing each year.

(1) From year to year, and not later than July 15th of each year, said Board shall ascertain and determine the sum necessary to pay the interest, principal and sinking fund requirements on all eligible obligations for the next succeeding calendar year and shall determine the total amount necessary to pay all Legislative appropriations from the County and Road District Highway Fund for such period and shall determine what operating surplus shall be required by the said board for such next succeeding calendar year, which operating surplus shall not exceed Three Million (\$3,000,000.00) Dollars; after such amounts have been ascertained and determined, the said Board shall ascertain the total amount of moneys which shall be required to be allocated to the credit of the County and Road District Highway Fund during the next succeeding calendar year in order to provide the necessary funds as hereinbefore set out, and in computing such amount of moneys which shall be required to be allocated to the credit of such Fund during the next succeeding calendar year, the Board shall take into consideration any surplus then in said Fund over and above the reasonable operating surplus hereinbefore provided for. Thereafter, and not later than August 1st of each year, said Board shall certify to the Comptroller of Public Accounts a statement which shall show such amount as the said Board shall have estimated to be required to be allocated to said Fund for the next succeeding calendar year and the said Comptroller shall, beginning on January 1st of such following calendar year make the allocation of one-fourth ($\frac{1}{4}$) of the occupation or excise tax on the business of selling gasoline to the credit of the County and Road District Highway Fund, as provided in Section 2 of this Act; but such allocation to the County and Road District

Highway Fund shall be made during such a calendar year only until there has been allocated to the credit of such County and Road District Highway Fund the amount, which the Board of County and District Road Indebtedness has therefore certified to the Comptroller of Public Accounts to be required for such calendar year as hereinbefore provided; and, after such amount so certified has been allocated to the credit of such Fund, all of the one-fourth ($\frac{1}{4}$) of the occupation or excise tax on the business of selling gasoline, which had theretofore been allocated to the credit of the County and Road District Highway Fund shall for the remainder of such calendar year be allocated to the credit of a fund to be designated the County Lateral Road Fund in the State Highway Fund for the use and benefit of the counties of this State and to be expended as hereinafter provided. Said funds shall be used either for the construction or maintenance of county lateral roads, including connecting streets, or for the payment of principal, interest and sinking fund requirements of any county or road district bonds or warrants, the proceeds of which were expended on county lateral roads prior to January 1st, 1939, and bonds or warrants issued by such county in payment for highway or county road rights of way. From year to year, and not later than July 15th of each, the said Board shall ascertain the exact amount of funds which have been allocated to the said County Lateral Road Fund and which at that time are available for expenditure by the counties in the construction or maintenance of county lateral roads, including connecting streets, or for the payment of the principal, interest and sinking fund requirements of bonds and warrants, the proceeds of which were expended on lateral county roads prior to January 1st, 1939, and bonds or warrants issued by such county in payment for highway or county lateral roads rights of way as provided in this Act, and in order that each county in this State shall receive its fair proportion of the total moneys in said County Lateral Road Fund the said Board shall set up as a credit to each county in this

State its proportionate part of the moneys in said County Lateral Road Fund. The said Board shall determine the amount of such credit to be allowed each county in the following manner: Of the total amount of the said County Lateral Road Fund, the said Board shall allocate to each county 33 1-3 per cent thereof on the basis of the population of each county according to the last preceding Federal census; 33 1-3 per cent thereof upon the basis of the mileage of public county lateral roads in each county as of January 1, 1939, as shown by the records of the State-Federal Highway Planning Survey and the State Highway Department; and 33 1-3 per cent thereof upon the basis of the area of each county. Each county's share shall be determined by calculating the ratio that the area, population and county lateral road mileage of each such county bears to the total area, total population and total county lateral road mileage of the State as a whole. It shall be the duty of the State Highway Department and the State-Federal Highway Planning Survey to make and publish a statement from their records showing the total county lateral road mileage of each county. Each county shall have the right, if dissatisfied with the total county lateral road mileage as shown by the records of these agencies, of an appeal to the Highway Commission for a review of the mileage figures on which its share of the mileage apportionment of such County Lateral Road Fund was determined. If the records of the Highway Department and the State-Federal Highway Planning Survey are such that, in the opinion of the Highway Commission, there is a reasonable doubt as to their accuracy, the Highway Commission may authorize an independent survey to be made of that county's lateral road mileage, the expense of such survey to be borne by the county. At the time such credit is made to the counties of this State, the Board shall notify the County Judge of each county and the State Highway Commission of the amount which has been credited to that county. Such notice shall state that the amount shown to have been credited to that county is available to such

county as herein provided for the construction and maintenance of county lateral roads, including connecting streets, or for use in the payment of the principal, interest and sinking fund requirements for county and road district bonds or warrants the proceeds of which were expended on county lateral roads prior to Jan. 1, 1939, and bonds or warrants issued by such county in payment for highway or county road rights of way. After receipt of said notice by the County Judge, the County Judge and a majority of the Commissioners' Court of such county shall notify the Board and the State Highway Commission of its election of the use to be made of the State funds made available to the county under the provisions of this Act. Such election may be changed from year to year and may be made in such a way as to use a portion of the funds allocated to such county in part for the payment upon bonds or warrants or a part for the construction and maintenance of county lateral roads including connecting streets. In the event such County Judge and a majority of the Commissioners' Court of a county elect to use such funds in the construction or maintenance of county lateral roads, such construction or maintenance shall be done under the general supervision of the State Highway Department, and all such work shall be done in accordance with rules and regulations promulgated by the State Highway Commission, such rules and regulations to be administered, for the convenience of the counties, by the district engineers of the State Highway Department for the respective State Highway Department districts. The State Highway Commission is hereby empowered to promulgate and publish to the counties adequate and proper rules governing the construction or maintenance of county lateral roads where such State funds are employed. No county shall be required to employ a County Engineer or other technical expert in order to obtain and use the funds made available to it hereunder. All county lateral roads constructed, reconstructed or maintained from State funds made available under the terms of this Act shall be maintained by the County in a manner which in the judgment of the State Highway Com-

mission is adequate to serve the needs of the traffic thereon, and for the failure of any county to maintain such lateral roads as hereinbefore provided, such county shall be denied further participation in the County Lateral Road Fund until such time as the maintenance of such lateral roads by the county shall have met the requirements of the State Highway Commission. No funds from the County Lateral Road Fund shall be paid upon any construction project as herein provided unless 90% of the labor costs of such project shall be paid to laborers who are residents of the county in which the lateral road is to be constructed. The total cost of such construction or maintenance in each county shall be paid out of that county's credit in the said Lateral Road Fund theretofore allocated to the credit of such county. No county shall be required to expend its allocated credit of said Lateral Road Fund in any one year, but may permit its credit to accumulate over any period of time in order that sufficient funds may be available to such county for the construction of a lateral road of sufficient length and permanency to justify letting of a contract therefor. Each county may call upon the State Highway Commission to furnish adequate technical and engineering supervision in making surveys, preparing plans and specifications, preparing project proposals and supervising actual construction; the actual cost of such aid in supervision shall be paid by the county as a charge against the project. In order that maximum benefits may be obtained in the expenditure of the State funds made available to the counties under this Act for the construction of county lateral roads, and so that the counties may have the benefit of widespread competition among contractors in bidding on such projects such counties may, in their discretion authorize the State Highway Commission to receive bids in Austin on all such construction in the same manner as is now provided by law for the award of contracts on State Highways. All Counties within this State are hereby authorized to use its credit in the County Lateral Road Fund for the purpose of supplementing funds appropriated by the United States Government for W. P. A. construction, or P. W. A. construction or such other grants of

Federal funds as may be made available to the counties of this State for county lateral road construction or maintenance.

When any road which shall have been constructed by any county from the County Lateral Road Fund shall be designated by the State Highway Commission as a part of the system of designated State highways, the designation of such road by the State Highway Commission shall constitute a full and complete discharge of any and all obligations, moral, legal, or implied, for the payment of such highway.

Payments for the construction of county lateral roads or for their maintenance as hereinbefore provided for shall be made from the County Lateral Road Fund upon estimates approved by the County Judge of the county wherein such work was performed and by the State Highway Engineer, and upon such approval, the Comptroller of Public Accounts shall issue warrants for such payment to be made from the said County Lateral Road Fund to be charged against the credit of the county in which such work was done. It is hereby specifically provided that no deficit ever shall be created against the County Lateral Road Fund nor shall any expenditure be approved or warrant issued for any county in excess of the amount then existing to the credit of such county in said County Lateral Road Fund.

(2) In the event the County Judge and a majority of the Commissioners' Court of any county elects to use the State funds made available under the provisions of this Act in the payment of principal, interest and sinking fund requirements on bonds or warrants of such county or road district and warrants or bonds issued by such county in payment for rights of way, such payment shall be made in the same manner as is provided in Section 7, Chapter 13, Acts of the 3rd Called Session of the 42nd Legislature, and subsequent amendments thereto.

(3) In the event the County Judge and a majority of the Commissioners' Court of any county elect to use the State moneys made available under this Act in refunding bonds or warrants issued to construct roads or bonds or warrants issued to purchase rights of way for highways

or roads, such refunding operations shall be made under the supervision and subject to the approval of the Board of County and District Road Indebtedness, and shall be made in the same manner now prescribed under the terms of this act for the refunding of county and road district obligations heretofore determined to have been expended in the construction of highways which constituted or now constitute a part of said State Highway System.

"(4) Upon the passage of this Act, the Board of County and District Road Indebtedness shall ascertain and determine the amount of money which each county or defined road district has paid in excess of its requirement since January 1, 1933, towards its debt service upon bonds which, at the time of such payment, were eligible to participate in the County and Road District Highway Fund, and said Board shall, as far as possible allocate such amount or any part thereof paid by any county or defined road district in excess of its requirement to the present outstanding indebtedness by an adjustment in the State's participation to the extent that each county and defined road district will receive the full benefit of its prorata part of the moneys coming into the County and Road District Highway Fund. In the event that said amount or any part thereof can not be applied to the State's participation, then said Board shall transfer said amount or any part thereof not applied to the credit of the County Lateral Road Fund for the benefit of each county or defined road district so affected, and to be expended by such county or defined road district as hereinbefore provided. Nothing in this Section shall apply insofar as the said Board has previously made adjustments for such payments by any County or defined road district."

"(h) The County Commissioners Court of any county may exercise the authority now conferred by law to issue refunding obligations for the purpose of refunding any eligible debt of the county or of any defined road district; and such refunding obligations, when validly issued, shall be eligible obligations within the meaning of this act, if said Board of County and District Road Indebtedness shall approve the ma-

turities of said refunding obligations and the rate of interest borne by them. In any instance where, in the opinion of said Board, the existing maturities of any issue of eligible obligations or any part thereof are such as to give the county or defined road district which issued them an inequitable or disproportionate participation in the moneys coming into the County and Road District Highway Fund in any particular period, said Board, in its discretion, may require said issue or any part thereof to be refunded into refunding obligations bearing such rate of interest and having such maturities as may be satisfactory to the Board. And if said county or defined road district shall fail or refuse to effectuate such refunding within a reasonable time to be fixed by said Board said obligations so required to be refunded, and all other obligations of said County and Road District Highway Fund until the requirements of said Board with respect to refunding shall be complied with. Provided that no commission, bonus or premium shall be paid by any county or defined road district for the refunding of such obligations and no County Treasurer or County Auditor shall receive any commission for handling of the funds derived from the refunding of such obligations.

"(i) All moneys deposited to the credit of the County and Road District Highway Fund with the State Treasurer up to September 1, 1941, are hereby appropriated to said respective counties and defined road districts and shall be received, held, used, and applied by the State Treasurer as ex-officio Treasurer of said respective counties and defined road districts to the payment of the interest, principal, and sinking fund requirements on all eligible obligations maturing on and from September 1, 1939, to and including August 31, 1941, and each year thereafter until all such eligible obligations are fully paid and moneys coming into the credit of the County and Road District Highway Fund with the State Treasurer and all moneys remaining therein from the previous year shall be received and held by him as ex-officio Treasurer of said counties and defined road districts and shall be subject to the

appropriation for the payment of interest, principal, and sinking funds maturing from time to time, on said eligible obligations. As payment of principal and/or interest becomes due upon such eligible obligations the State Comptroller of Public Accounts shall issue his warrant to the State Treasurer for the payment thereof, and the State Treasurer shall pay the same at his office in Austin, Texas, or by remitting to the Bank or Trust Company or other place of payment designated in the particular obligation. Such warrants or voucher claims shall show on their face that the proceeds of the same are to be applied by the paying agent to the payment of certain specified obligations or interest therein described, by giving the name of the county or defined road district by which they were issued, numbers, amounts, and dates of maturities of the obligations and interest to be paid with instructions to the State Treasurer, paying agent, bank, or trust company to return to the State Comptroller of Public Accounts such obligations and interest coupons when same are paid, and the State Comptroller of Public Accounts shall, upon receipt of said obligations and coupons, credit same on his records and send them, duly cancelled, to the Commissioners Court of the appropriate county, which shall cause to be duly entered a record of such cancellation.

“(j) Expenses necessary to be incurred in the determination of the indebtedness of the counties and defined road districts of the State, and in the discharge of the duties required for the payment of such obligations shall be paid from the County and Road District Highway Fund by warrant approved by the Chief Accountant, the State Comptroller of Public Accounts, and one other member of said Board. The compensation of all employes of said Board shall be fixed by the Legislature. All employes of said Board of County and District Road Indebtedness shall be bonded, the amount of such bond shall be set by the Board.

“(k) All of the securities now on hand in which sinking funds collected for the benefit of outstanding eligible issues are invested and all funds and securities hereafter ac-

quired for the benefit of the entire outstanding balance of all eligible bond issues, shall be forwarded within thirty (30) days from the effective date of this Act, and thereafter within thirty (30) days of the acquisition of such fund of securities, to the State Treasurer as ex-officio County Treasurer of the various counties and defined road districts. Provided that the cash now on hand in the sinking fund created for the benefit of outstanding eligible obligations, may also be remitted, as above set forth at the option of such county or defined road district. Any county, the Commissioners Court of which fails or refuses to comply with the provisions of this Act in all things including the levy, assessment, and collection of a tax and at a rate sufficient to pay all sums due or to become due, which the State is unable to pay or to provide each year the proportionate amount of sinking fund required to redeem its outstanding bonds at their maturity shall not participate in any of the benefits of this Act so long as such county fails or refuses to comply with the provisions thereof. The Board of County and District Road Indebtedness shall have and possess full authority to invest all such sinking funds, including all future sinking funds required in any manner whatsoever, in any eligible obligations of the various political subdivisions of this State, and where there is on hand a sufficient amount of moneys or securities to the credit of any one political subdivision to retire some of its outstanding obligations, whether then due or not, the Board of County and District Road Indebtedness may, if it deems it advisable, purchase and cancel said obligations of such particular political subdivision. Provided further, that any county which has selected a depository according to law and in which county such depository has qualified by giving surety bonds or by the deposit of adequate securities of the kind provided by law, which in the opinion of the Board of County and District Road Indebtedness is ample to cover the county deposits, and in which county there has been no default by any county depository for a period of three (3) years, and which county has not defaulted in the payment of any installment of principal and/or

interest on any county bonds for a period of five (5) years next preceding the date of the filing of its application for exemption, and in which county all sinking funds of all bond issues are in excess of the standard required by law and which county has levied for the current tax year adequate rates in support of outstanding bond issues as required by the Constitution and Statutes of said State, shall be exempted from the provisions of this subdivision of this Act, and which exemption shall be obtained by such county in the manner and under conditions prescribed by the said Board of County and District Road Indebtedness. Said Board of County and District Road Indebtedness shall have the right to inspect the records of such county at any subsequent date to ascertain whether or not the facts warrant the continuation of the exemption. If at any time, in the opinion of the Board of County and District Road Indebtedness, counties that have been granted exemption under the provisions of this Act, shall cease to comply with all the conditions under which the exemption has been granted, the Board shall notify the county to return all securities in which the sinking funds of eligible road bond issues are invested and the residue in said sinking funds, and to begin immediately forwarding taxes levied and collected for the payment of interest and principal on all eligible road bond issues. Said counties whose exemption has been cancelled by said Board, shall be given a period of thirty (30) days in which to comply with the demands of the Board. Provided, further, that such county so exempt shall furnish the Board of County and District Road Indebtedness an annual statement of the condition of the sinking funds of the several eligible road bond issues, together with a financial statement of the county depository. The Board of County and District Road Indebtedness shall have the right to withhold the payment of any maturity on any eligible road bond indebtedness where such county has failed or refused to comply with all the provisions of this Act.

"(l) The Board of County and District Road Indebtedness shall keep adequate minutes of its proceedings and semi-annually, within thirty (30)

days after February 28th and August 31st of each year, shall make itemized reports to each county with respect to the receipt, disbursement and investment of the funds credited to such county. The Commissioners Court of any county, and/or its accredited representatives, shall have the right to inspect the records of said Board of County and District Road Indebtedness, and of the State Treasurer, at any reasonable time for the purpose of making any investigation or audit of the accounts affecting its county.

"(m) The Board of County and District Road Indebtedness shall, within ninety (90) days after the close of each calendar year, make a complete accounting for the preceding year, to the Governor of this State, showing in such report its acts, investments, changes in investments, and sinking fund status of each county and each defined road district, and shall file copies of such report with the President of the Senate and with the Speaker of the House of Representatives.

"(n) In the event this Act is repealed, or shall be or become inoperative as to any county or defined road district, then it shall be the duty of the Board of County and District Road Indebtedness to ascertain immediately the amount of moneys and securities remaining on hand with it or with the State Treasurer belonging to the several counties or defined road districts affected, and forthwith to return the same to the County Treasurer of the county entitled thereto, accompanied by an itemized statement of the account of the county or defined road district.

"(o) All funds on hand belonging to, and hereafter credited to the several counties and defined road districts of the State, shall be considered State funds, and as such shall be deposited at intervals in the depositories provided for by the State laws and all interest earned on such funds and on the securities in which the sinking funds are invested shall belong to said counties or defined road districts, and shall be credited to them by the State Treasurer as earned and collected.

"(p) Upon notice from the Board of County and District Road Indebtedness of the amount that such

county or defined road district shall be required to pay toward any installment of interest or maturing principal, the County Treasurer of such county shall, not later than twenty (20) days prior to the maturity date of such interest, principal, or sinking fund requirements forward to the State Treasurer the amount fixed by the Board of County and District Road Indebtedness as being necessary to supplement the amounts previously placed to the credit of the road debts of any such county or defined road district by said Board of County and District Road Indebtedness under the provisions of this Act."

Sec. 4. If any section, paragraph, or provision of this Act be declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs, or provisions of this Act, but the same shall remain in full force and effect.

Sec. 5. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Sec. 6. The fact that the present law governing the subject matter of this Act is inadequate, creates an emergency and an imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days in both Houses, be suspended, and such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

TARWATER,
GILMER,
PETSCH,
ROBERTS.

(Mr. Thornton in the Chair.)

Mr. Keith offered the following substitute for the amendment by Mr. Tarwater:

Amend House Bill No. 688, by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. It is expressly recognized and declared that all highways now or heretofore constituting a part of the system of State Highways and that all roads not constituting a part of such system, which have been constructed in whole or in part from the proceeds of bonds, warrants or other evidence of indebtedness issued by counties of the State of

Texas, or by defined road districts of the State of Texas, under the laws authorizing the same, have been and are and will continue to be beneficial to the State of Texas at large, and have contributed to the general welfare, settlement and development of the entire State, and that, by reason of the foregoing, a heavy and undue burden was placed and still rests, upon the counties and defined road districts and their inhabitants, and both a legal and moral obligation rests upon the State to compensate and reimburse such counties and defined road districts which as aforesaid, have performed functions resting upon the State, and have paid expenses which were and are properly State expenses, all for the use and benefit of the State, and to the extent provided herein that the State provide funds for the further construction of roads not designated as a part of the State Highway System.

"Having heretofore by an Act of the Legislature (Chapter 13, Acts of the Third Called Session of the Forty-second Legislature in 1932) taken over, acquired and purchased the interest and equities of the various counties and defined road districts in and to the highways constituting a part of the system of then designated State Highways, it is further declared to be the policy of the State to take over, acquire, purchase and retain, the interest and equities of the various counties and defined road districts in and to the highways, not previously taken over, acquired and purchased and constituting on January 1, 1939, a part of the system of designated State Highways, and to acquire and purchase the interest and equities of the various counties and defined road districts in and to the roads not constituting a part of the system of designated State Highways as of January 1, 1939, and under the provisions of this Act to acquire such interest and equities in such roads hereafter to be constructed with money furnished by the State, and to reimburse said counties and districts therefor, and to provide for the acquisition, establishment, construction, maintenance, extension and development of the system of designated State Highways of Texas, for some source of income other than the revenues derived from ad valorem taxes, it being expressly

provided herein that the State is not assuming, and has not assumed, any obligation for the construction, maintenance, extension and development of any of the highways thus acquired and purchased which do not constitute a part of the system of designated State Highways. And it is hereby determined that the further provisions of this Act constitute fair, just and equitable compensation, repayment and reimbursement to said counties and defined districts and for their aid and assistance to the State in the construction of State Highways and for the construction of State Highways and for the construction of said roads which are ancillary to but do not constitute a part of said system of State Highways, and fully discharges the legally implied obligations of the State to compensate, repay and reimburse the agencies of the State for expenses incurred at the instance and solicitation of the State, as well as for expenses incurred for the benefit of the State, and fully discharges the State's legally implied obligation to such counties and defined road districts to provide additional funds for the further construction of roads not designated as a part of the State Highway System.

Sec. 2. By the expression, 'defined road district' or 'road district' or 'defined district' or 'district,' used in this Act, is meant any defined road district of the State or any Justice or Commissioner's precinct acting as a road district or any road district located in one, or more than one, county.

"By the expression 'road' or 'roads' as used in this Act, is meant roads, road beds, bridges and culverts, and same shall be construed to include the right of way of any such road.

"By the expressions 'highways,' 'state highways' and 'state designated highways' are meant roads which prior to January 1, 1939, had become a part of the system of designated State Highways, including roads still constituting a part of such system on said date and those which had theretofore constituted a part of such system but whose status had been lost through change, relocation or abandonment, and including roads concerning which the State Highway Commission had,

prior to January 1, 1939, indicated its intention to designate, evidencing such intention in its official records or files. All roads which prior to said date, had not become a part of the system of state designated highways, for convenience in this Act are called 'lateral roads.' Roads constructed after January 1, 1940, with money disbursed from the Lateral Road Fund as established and provided in Section 6, subsection (g) of this Act are called 'Additional Lateral Roads.'

"Indebtedness, the proceeds of which has been expended actually in the construction of roads constituting a part of the system of designated State Highways is defined as 'Class A Indebtedness.'

"Indebtedness, the proceeds of which has been expended actually in the construction of lateral roads is defined as 'Class B Indebtedness.'

"The term 'Board' as used in this Act, when the contrary is not clearly indicated, shall mean 'The State Board of Road Indebtedness' as created in Section 6 hereof.

"The term 'Fund' as used in this Act, when the contrary is not clearly indicated, shall mean the 'State Board of Indebtedness Fund' as created in Section 6 hereof.

"Section 3. All further improvement of said State Highway System shall be made under the exclusive and direct control of the State Highway Department and with appropriations made by the Legislature out of the State Highway Fund, surveys, plans, specifications and estimates for all further construction and improvement of said System shall be made, prepared and paid for by the State Highway Department. No further improvement of said System shall be made with the aid of, or with any moneys furnished by the counties, except for the acquisition of rights of way which may be furnished by the counties, their subdivisions or defined road districts. But this shall in no wise effect the carrying out of any binding contracts now existing between the State Highway Department and the Commissioners' Court of any county, for such county, or for any defined road district. In the development of the System of State Highways and the maintenance thereof, the

State Highway Commission shall, from funds available to the State Highway Department, provide:

"(a) For the efficient maintenance of all highways comprising the State System;

"(b) For the construction, in cooperation with the Federal Government to the extent of Federal Aid to the State, of highways of durable type of the greatest public necessity.

"(c) For the construction of highways, perfecting and extending a correlated system of State Highways, independently, from State Funds.

"Section 4. All moneys now or hereafter deposited in the State Treasury to the credit of the 'State Highway Fund', including all Federal Aid money deposited to the credit of said Fund under the terms of the Federal Aid Highway Act, shall be subject to appropriation by the Legislature for the specific purpose of the improvement of said System of State Highways by the State Highway Department.

"Section 5. Each month the Comptroller of Public Accounts after computing and ascertaining the maximum amount of refunds that may be due by the State on the business of selling gasoline, as provided in Section 17, Chapter 88, General Laws, Acts of the 2nd Called Session of the 41st Legislature, as amended by Chapter 104, General Laws, Acts of the Regular Session of the 42nd Legislature, shall deduct same from the total occupation or excise tax paid on the business of selling gasoline as imposed by Section 17, Chapter 98, General Laws, Acts of the Regular Session of the 42nd Legislature; and beginning with said taxes collected on and after October 1st, 1932, shall, after deducting the said maximum amount of refunds, allocate and place the remainder of said occupation or excise tax on the business of selling gasoline, in the State Treasury as provided by law, in the proportion as follows: One fourth ($\frac{1}{4}$) of such occupation or excise tax shall go to, and be placed to the credit of, the Available Free School Fund; one-fourth ($\frac{1}{4}$) of same shall go to, and be placed to the credit of, a fund to be known as the 'State Board of

Road Indebtedness Fund' for making the payments on all outstanding eligible indebtedness as provided in this Act, for paying the expense of the enforcement of this Act, and for making money available to the respective counties of the State for further road construction as provided in Section 6 of this Act; the remainder of such occupation or excise tax shall go to, and be placed to the credit of, the State Highway Fund, for the construction and maintenance of the public roads of the State, constituting and comprising the system of State Highways of Texas, as designated by the State Highway Commission of Texas.

"Section 6. (a) All bonds, warrants, or other evidences of indebtedness, which mature on and after January 1, 1940 and which were issued prior to January 1, 1939, by counties or defined road districts of the State, in so far as amounts for same were issued for, and the proceeds actually expended in the construction of roads, including expenditures for right-of-way, constituting 'highways' as defined in Section 5 of this Act as of the date of designation, and constituting lateral roads, as of January 1, 1940, shall be eligible to participate in the distribution of the moneys coming into said 'State Board of Indebtedness Fund', subject to the provisions of this Act, less, however, the amount of the sinking funds which were required to be accumulated for the respective obligation of the respective counties and districts under existing laws and under the provisions of the statutes and orders of the Commissioners' Court authorizing the issuance of said obligations and in accordance with the tax levy authorized, at the time of the issuance thereof, for the time such obligations have run, and if the full amount of said required funds is not actually on hand and to the credit of the sinking fund of such issue, no part of such deficiency shall be paid out of said 'State Board of Indebtedness Fund'. It being expressly provided in this connection that the term 'sinking fund' shall include only those funds accumulated under now existing laws for the retirement of bonds, and shall not include any excess or surplus which may have been accumulated by any

county or defined road district above the legal requirements. The amount of such eligible indebtedness shall be determined as hereinafter provided. Provided further, that no part of such fund shall be expended in the payment of any interest maturing on the amount of sinking funds required by the terms of this Act to have been accumulated by the county or defined road district as of January 1, 1940.

"It is especially provided that as to any county and its included defined districts having a combined principal road indebtedness outstanding as of January 1, 1939 in an amount not exceeding \$150,000.00, wherein an election for road bonds shall have been carried prior to the date this Act becomes effective, such recently voted bonds shall be eligible to participate under this Act as Class 'B' indebtedness to the extent that the proceeds of such bonds are actually expended on lateral roads as required under this Act.

"(b) After the passage of this Act, the State Board of Road Indebtedness shall perform the duties heretofore imposed on the Board of County and District Road Indebtedness created by Chapter 13, Acts of the Third Called Session of the Forty Second Legislature. Said Board shall consist of the Comptroller of Public Accounts of the State of Texas, the Treasurer of the State of Texas, and the Attorney General of the State of Texas. The Board shall appoint a Director who shall devote all of his time to the business of the Board, and he shall receive such salary as may be fixed by the Legislature from time to time, but until otherwise determined shall be \$_____ per annum. The Board shall adopt its own rules, consistent with this Act, for the proceedings held hereunder, and until it shall have adopted said rules, the rules not inconsistent to the provisions of this Act, heretofore adopted by the Board of County and District Road Indebtedness shall be effective. The Board shall elect its officers from the members of the Board. It shall have authority to call to its assistance in arriving at the amount of bonds, warrants or other evidences of indebtedness eligible to participate in the State Board of Road Indebtedness Fund, any official or employee of this State, and

shall avail itself of all data and information assembled in the administration of said Chapter 13, Acts of the Third Called Session of the Forty-second Legislature and amendments thereto, and said Board is hereby authorized to call on any County Judge or any County or State Official or employee and shall have full access to all public records, books and documents for the purpose of obtaining any information which it may deem necessary and pertinent to its inquiry in arriving at the amount of bonds, warrants or other evidences of indebtedness eligible to participate in said Fund.

"(c) It shall be the duty of said Board, from the data and information furnished by the County Judges of the State, the Chairman of the State Highway Commission, and by the Comptroller of Public Accounts, and from such other investigation as said Board shall deem necessary, to ascertain and determine the respective issues of indebtedness and the amounts thereof eligible under this Section 6 of this Act, to participate in the moneys coming into said Fund. Whenever in the case of any particular issue of indebtedness the proceeds thereof shall have been expended partly on designated State Highways and partly on lateral roads, said Board shall ascertain and determine the amount thereof actually expended on State Highways and said indebtedness, to such amount and extent, shall be eligible for participation in the moneys coming into said Fund as Class 'A' indebtedness. Likewise, it shall ascertain and determine the amount of said indebtedness, the proceeds of which were actually expended on lateral roads, and said indebtedness, to such amount and extent, shall be eligible for participation in the moneys coming into said Fund as Class 'B' indebtedness. The ascertainment and determination of such participation shall be certified by said Board to the County Judge of the County affected. To the extent that said issue is eligible as Class 'A' indebtedness, all of the unmatured outstanding obligations of said issue shall ratably have the benefit of participation in said moneys along with all other Class 'A' indebtedness. The ascertainment and determination by said Board, after reasonable notice and

hearing, of the amount of indebtedness of any County or defined road district, under the provisions of this Act to participate in any moneys coming into said Fund, or as to the amount of any indebtedness the proceeds of which were actually expended on State Highways or on lateral roads, shall be final and conclusive and shall not be subject to review in any other tribunal. But said Board shall have the right at any time to correct any errors or mistakes it may have made.

"(d) The Board shall make and keep a record of the eligible indebtedness of all counties and defined road districts, by issues, and to the extent that it is practicable, distinguishing the several issues on the basis of classification into Class 'A' and Class 'B' indebtedness, and if a single issue is composed of indebtedness of both classes, showing the amount of such issue constituting Class 'A' indebtedness and the amount thereof constituting Class 'B' indebtedness. A book shall be prepared and kept, in which shall be recorded each eligible issue of each County and road district, showing the amount, maturing dates of principal and interest, rate of interest and place of payment. Each issue and the data pertaining to same shall be listed separately. The Board shall keep a record of all vouchers issued.

"(e) The State Treasurer shall keep a separate account for each County and defined road district and all moneys received for the credit of said County or defined road district pursuant to the provisions hereof.

"(f) A list shall be compiled by said Board showing the amount of each issue ascertained and determined by it to be eligible indebtedness and the class or classes of indebtedness for each County and defined road district and a copy thereof shall be furnished to each County Judge in this State.

"(g) From year to year, and not later than July 15th of each year, said Board shall ascertain and determine the sum necessary to pay the interest, principal and sinking fund requirements on each eligible issue of indebtedness, for the next succeeding calendar year and shall estimate the amount of money in said Fund which shall be applicable to the same, shall determine the total amount of payments to be made dur-

ing the next succeeding calendar year to counties and defined districts under the provisions of subsection (q) of this Section 6, after making provision at all times to retain an operating surplus of approximately Three Million (\$3,000,000.00) Dollars, and shall, not later than August 1st of each year, notify the County Judge of each County of such ascertained requirements and of the estimated amount available for application to the interest, principal, and sinking fund requirements of each separate issue for which his County or the road districts therein are liable. In the event the amount so estimated to be applied to the payment of eligible obligations for any County or defined road district is insufficient to meet all maturing interest, principal, and sinking fund requirements, the Commissioners' Court shall collect from taxes on the property in said respective counties and defined road districts, an amount of money equal to the difference between the amount of such requirements and the amount available for application. Provided that the money available in said Fund shall be utilized according to priorities of right as follows:

"First: All interest scheduled to mature on all issues of 'Class A' indebtedness shall be paid;

"Second: All maturing principal of all issues of Class 'A' indebtedness shall be paid and all current sinking fund requirements thereof shall be provided;

"After having set aside the operating surplus, money sufficient to pay items 'First' and 'Second,' as provided in this subsection and to pay the amount of money to be disbursed under Subsection (q) hereof, the money remaining in said Fund shall constitute the County Lateral Road Fund and be available (1) to pay the principal and interest of Class 'B' indebtedness and (2) for the construction of additional Lateral Roads in the manner and subject to the further provisions of this Subsection (g). The Board shall determine the amount thereof to which each county and its included defined districts are entitled in the following manner: of the total amount in the County Lateral Road Fund, the Board shall allocate to each county and its included defined districts: one-tenth (1-10).

thereof upon the basis of area, determined by the ratio of the area of the county to the total area of the State; two-tenths (2/10) thereof upon the basis of population according to the last preceding Federal Census, determined by the ratio of the population of the county to the total population of the State; three-tenths (3/10) thereof upon the basis of the number of motor vehicles registered during the last preceding fiscal year, determined by the ratio of the number of such vehicles registered in the county to the total number registered in the State; as shown by the official Report of the State Highway Department; four-tenths (4/10) thereof upon the basis of lateral road mileage, determined by the ratio of the mileage of lateral roads in the County to the total mileage of lateral roads in the State as of January 1, 1939, as shown by the records of the State-Federal Highway Planning Survey and the State Highway Department. The money in the Lateral Road Fund to which each County shall be entitled shall be utilized as follows:

"(1) Out of each county's share of said County Lateral Road Fund, said Board shall pay the maturing principal of all issue of Class 'B' indebtedness of such county and shall set aside the current sinking fund requirements of said County and its included defined districts. The Board shall utilize none of said money to pay the interest on Class 'B' indebtedness until payment of such principal and current provision for such sinking fund shall have been provided.

"(2) Said Board shall pay interest on all issues of Class 'B' indebtedness of said County and of its included defined districts to the extent of 2% or less if funds are not sufficient to make such payment, provided that whenever in the opinion of the Board funds are available to do so, it may pay of such maturing interest more than the specified 2%.

"(3) In the event there is not sufficient money available to pay all of the principal requirements under paragraph (1) on interest requirements under paragraph (2) for a given county and its included defined districts, the money available for such county shall be prorated to the

several issues of obligations of such county and its included districts on the ratio that the amount of the current requirements of principal and interest for such issue bears to the total amount of principal and interest required for all of the issues of said county for that year; provided that the Board in its discretion and upon application by such county may use some other method of apportioning such funds for such county.

"(4) Said Board shall pay the principal and interest of the Class 'B' indebtedness of defined districts situated in more than one county, insofar as practicable, in the same manner that it pays the principal and interest of Class 'B' county indebtedness, and shall charge such payments, equitably, to the counties involved.

"(5) In instances wherein neither said county nor its included defined districts has eligible Class 'B' indebtedness and in instances wherein a credit to said county remains in said Lateral Road Fund, after paying the principal and interest requirements of its Class 'B' indebtedness in the manner provided in paragraphs (1), (2), (3), and (4) of this subsection (g), said Board shall notify the County Judge of said county of the amount shown to have been credited to the County in the Lateral Road Fund, and shall forward to the County Judge of the County a check or warrant drawn against said Lateral Road Fund, payable to the order of the County Treasurer of the County, for such amount. Said money shall be used by the Commissioners' Court of the County for the construction of lateral roads within the County.

"Roads constructed by counties with money received from said Lateral Road Fund shall be called 'Additional' Lateral Roads and if any indebtedness is incurred by such counties in the construction thereof, such indebtedness shall not be eligible to participate in the State Board of Indebtedness Fund, either as Class 'A' or Class 'B' indebtedness.

"In this connection it is declared to be the intent of the Legislature that all contractual duties and obligations which may exist between any County or defined road district and the owner or holder of the pres-

ent outstanding indebtedness of any such county or defined road district shall remain inviolate, and shall not in any manner be disturbed or impaired by this Act. Any tax heretofore provided to be levied, or which has been levied, in support of any present outstanding indebtedness, ascertained by the provisions of this Act, shall continue to be assessed, levied and collected as originally provided; however, the collection of said tax may by order of the Commissioners' Court be lessened and reduced by payments made or to be made thereon in behalf of such indebtedness out of said Fund, as herein provided, and as succeeding Legislatures shall, by appropriation, make provision therefor. The entire proceeds of all taxes collected on any eligible issue of bonds shall be remitted by the County Treasurer of each County collecting the same, together with a statement of the amount collected, to the State Treasurer as Ex-Officio Treasurer of said County or defined road district for the benefit of such County or district, and shall be disbursed to meet the interest, principal and sinking fund requirements of such indebtedness. In the event the amount of money in such Fund, available to be applied to meet the maturing interest, principal and sinking fund requirements in any calendar or fiscal year is not sufficient to satisfy all of the requirements for eligible indebtedness, the moneys available in said Fund, as estimated and determined by the Board, shall be for that calendar year first applied to the payment and satisfaction of interest maturing on eligible Class 'A' indebtedness during the particular calendar year or fiscal year, such payment to be made ratably upon the interest on all eligible Class 'A' indebtedness of the various counties or defined road districts; and if there is more money in said Fund than is necessary to pay all of said interest, then the balance over the required interest payment, shall be distributed ratably to each issue of eligible Class 'A' indebtedness on the basis of the principal and current sinking fund requirements for such year; and if there is more of said money available than necessary to meet the interest and principal requirements of all Class 'A' indebtedness, such money then be applied

to the uses and in the manner hereinabove prescribed in this subsection (g).

"(h) The County Commissioners' Court of any County may exercise the authority now conferred by law to issue refunding obligations for the purpose of refunding any eligible debt of the County or of any defined road district, and such refunding obligations when legally issued shall be eligible obligations within the meaning of this Act, if said Board shall approve the maturities of said refunding obligations and the interest rate or rates of said refunding obligations. Any such Commissioners' Court shall have the right, and the Board, in its discretion, may require said Court to refund its eligible obligations as they mature or become optional, or in advance with the consent of the holders of said bonds, so as to make separate issues for Class 'A' indebtedness and Class 'B' indebtedness. In any instance where, in the opinion of said Board, the existing maturities of any issue of eligible obligations or any part thereof are such as to give the County or defined road district which issued them an inequitable or disproportionate participation in the moneys coming into said Fund in any particular period, said Board, in its discretion, may require said issue or any part thereof to be refunded into refunding obligations bearing such rate of interest and having such maturities as may be satisfactory to the Board. And if such County or defined road district shall fail or refuse to effectuate such refunding within a reasonable time to be fixed by said Board, said obligations so required to be refunded and all other obligations of said County or defined road district shall cease to be eligible for participation in said Fund until the requirements of said Board with respect to refunding the same shall be complied with. Provided, that no commission, bonus or premium shall be paid by any County or road district for the refunding of such obligations and no County Treasurer shall receive any commission for the handling of the funds derived from the refunding of such obligations; provided that this restriction shall not be interpreted to prevent the payment of interest adjustments between original and re-

funding obligations: and provided further, that in instances wherein the Board may require any Commissioners' Court to refund bonds at their maturity, or on which the option to redeem has accrued, and the amount thereof is in excess of \$25,000.00 the Board shall require any such Commissioners' Court to advertise said refunding bonds for sale, and to sell such refunding bonds on open competition to the highest bidder, with the right reserved in the Commissioners' Court to reject any and all bids. All expense incurred in the refunding of its eligible indebtedness, including cost of proceedings, printing, legal approval and interest adjustment, shall be chargeable against the money theretofore or thereafter collected from ad valorem taxes, or at the option of the Commissioners' Court conducting such refunding, may be paid from any other money under its control and available for the purpose, provided no obligation for such expense items shall be incurred or paid without affirmative approval by said Board. The Board may, in its absolute discretion, pay out of moneys acquired other than through ad valorem taxes collected in any such county or district, any part of such refunding expenses in instances wherein it adjudges such action to be equitable.

"(i) All moneys deposited to the credit of said Fund with the State Treasurer up to September 1, 1941, are hereby appropriated to the uses and purposes specifically provided in subsection (g) of this Section 6 and to the extent that such moneys shall be allocated by the Board to the payment of indebtedness, shall be received, held, used and applied by the State Treasurer as Ex-Officio Treasurer of said respective counties and defined road districts, for the payment of the interest and principal and for sinking fund requirements of all eligible obligations (subject to the provision set forth as the closing sentence of this subsection (i), maturing on and from September 1, 1939, to and including August 31st, 1941, and each year thereafter until all of such eligible obligations are fully paid. All moneys coming into the credit of said Fund with the State Treasurer and all moneys remaining therein from the previous year, shall be received

and held by him as Ex-Officio Treasurer of said Counties and defined districts and shall be subject to appropriation for the payment of interest, principal and sinking funds maturing from time to time on said eligible obligations. As payments of interest or principal, or both, become due upon such eligible obligations the State Comptroller of Public Accounts shall issue his warrant to the State Treasurer for the payment thereof and the State Treasurer shall pay the same at his office in Austin, Texas, or by remitting to the bank or trust company, or other place of payment designated in the particular obligation. Such warrants, or voucher claims, shall show on their face that the proceeds of the same are to be applied by the paying agents to the payment of certain specified obligations or interest therein described, giving the name of the county or defined road district by which they were issued, numbers, amounts and dates of maturities of the obligations and interest to be paid with instructions to the State Treasurer, paving agent, bank, or trust company to return to the office of the Board, such obligations and interest coupons when same are paid, and the Board shall, upon receipt of said obligations and coupons, credit same on its records and send them, duly cancelled, to the Commissioners' Court of the appropriate county, which shall cause to be duly entered, a record of such cancellation. It is expressly provided that the provisions of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and Acts amendatory thereof in effect at the time this Act becomes effective, shall determine the eligibility of obligations, and govern as to the administration of said Fund, as to all maturities of principal and interest and sinking fund requirements until and including December 31, 1939; that until January 1, 1940, only such obligations as are eligible under such original Act and amendments thereto, shall participate in such Fund. No disbursement to counties for the construction of Additional Lateral Roads shall be made until after the Board shall have made its allocation of funds scheduled to be made on or after July 1, 1939, nor until after January 1, 1940.

"(j) Expenses necessary to be incurred by said Board in the determination of the indebtedness of the counties and defined road districts of the State, and in the discharge of the duties required for the payment of such obligations, and in performing its duties in allocating and for, directing payment of funds to counties for the constructing Additional Lateral Roads, shall be paid from the said Fund by warrant approved by the Director and one other member of said Board. The compensation of all employees of said Board shall be fixed by the Legislature. All employees of said Board shall be bonded, the amounts of such bonds shall be determined by the Board.

"(k) All of the securities now on hand in the several counties of the States, in which sinking funds, collected for the benefit of outstanding eligible issues are invested, and all funds and securities hereafter acquired for the benefit of the entire outstanding balance of all eligible bond issues, shall be forwarded within thirty (30) days from the effective date of this Act, and thereafter within thirty (30) days from the acquisition of such funds or securities, to the State Treasurer as Ex-Officio County Treasurer of the various counties and defined road districts. Provided that the cash now on hand in sinking funds created for the benefit of outstanding eligible obligations, may also be remitted, as above set forth at the option of such county or defined road district. Any County, the Commissioners' Court of which fails or refuses to comply with the provisions of this Act in all things including the levy, assessment, and collection of a tax, of and at a rate, sufficient to pay all sums due or to become due, which the State is unable to pay, or to provide each year the proportionate amount of sinking fund required to redeem its outstanding bonds at their maturity shall not participate in any of the benefits of this Act so long as such county fails or refuses to comply with all the provisions hereof. Said Board shall have and possess full authority to invest all such sinking funds, including all future sinking funds acquired in any manner whatsoever, in any eligible obligations of the various

political subdivisions of this State, and where there is on hand a sufficient amount of moneys or securities to the credit of any one political subdivision to retire some of its outstanding obligations, whether then due or not, the Board may, if it deems it advisable, purchase and cancel said obligations of such particular political subdivision. Provided further, that any county which has selected a depository according to law and in which county such depository has qualified by the deposit of adequate United States Government, State or Municipal securities, of the kind provided by law, which in the opinion of the Board are ample to cover the county deposits, and in which county there has been no default by any county depository for a period of three (3) years, and which county has not defaulted in the payment of any installment of principal and/or interest on any county bonds for a period of five (5) years next preceding the date of the filing of its application for exemption, and in which county all sinking funds of all bond issues are in excess of the standard required by law, and which county has levied for the current tax year adequate rates in support of outstanding bond issues as required by the Constitution and statutes of said State, shall be entitled to exemption from the provisions of this subsection (k) of Section 6 of this Act, which exemption shall be obtained by such county in the manner and under conditions prescribed by the said Board. Said Board shall have the right to inspect the records of such county at any subsequent date to ascertain whether or not the facts warrant the continuation of the exemption. If at any time, in the opinion of the Board, counties that have been granted exemption under the provisions of this Act, shall cease to comply with all the conditions under which the exemption has been granted, the Board shall notify the county to return all securities in which the sinking funds of eligible road bond issues are invested and the residue in said sinking funds, and to begin immediately forwarding taxes levied and collected for the payment of interest and principal on all eligible road bond issues.

Said counties whose exemptions have been cancelled by said Board, shall be given a period of thirty (30) days in which to comply with the demands of the Board. Provided further, that such county so exempt shall furnish the Board an annual statement of the condition of the sinking funds of its several eligible issues, together with a financial statement of the county depository. The Board shall have the right to withhold the payment of any maturity on any eligible road bond indebtedness where such county has failed or refused to comply with all the provisions of this Act.

"(l) The Board shall keep adequate minutes of its proceedings and semi-annually within thirty (30) days after February 28th and August 31st of each year, shall make itemized reports to each county with respect to the receipt, disbursement and investment of the funds credited to such county. The Commissioners' Court of any county and its accredited representatives, shall have the right, at any reasonable time, to inspect the records of said Board, and of the State Treasurer, for the purpose of making any investigation or audit of the accounts affecting such county.

"(m) The Board shall, within ninety (90) days after the close of each calendar year, make a complete accounting for the preceding year, to the Governor of this State, showing in such report its acts, investments, changes in investments, and the sinking fund status of each county and each defined road district, and shall file copies of such report with the President of the Senate and with the Speaker of the House of Representatives.

"(n) In the event this Act is repealed, or shall be or become inoperative as to any county or defined road district, then it shall be the duty of the Board to ascertain immediately the amount of moneys and securities remaining on hand with it or with the State Treasurer belonging to the several counties or defined road districts affected, and forthwith to return the same to the county treasurer of the county entitled thereto, accompanied by an itemized statement of the account of the county or defined road district.

"(o) All money heretofore re-

ceived by the Treasurer and on hand belonging to, and hereafter credited to the several counties and defined road districts of the State, for payment of the principal and/or interest on such eligible indebtedness, shall be considered State funds, and as such shall be deposited at intervals in the depositories provided for by the law and all interest earned on such funds and on the securities in which the sinking funds are invested shall belong to said respective counties or defined road districts, and shall be credited to them by the State Treasurer as earned and collected.

"(p) Upon notice from the Board of the amount that such county or defined road district shall be required to pay toward any installment of interest or principal, the County Treasurer of such county shall, not later than twenty (20) days prior to the maturity date of such interest, principal, or sinking fund requirements, forward to the State Treasurer the amount fixed by the Board as being necessary to supplement the amounts previously placed to the credit of the eligible indebtedness of any such county or defined road district by said Board under the provisions of this Act.

"(q) Upon the passage of this Act the Board of County and District Road Indebtedness shall determine the total amount which each county or defined road district has paid since January 1, 1933, toward its debt service upon bonds which, at the time of such payment were eligible to participate in the County and Road District Highway Fund and said Board shall set up such amount as a credit to each said county or defined road district and said Board shall, as soon thereafter as is practicable, pay in cash to each county or defined road district its prorata portion of any excess moneys in said fund over and above current and immediate future needs, and said Board shall continue such prorata cash payments from such excesses semi-annually on February first and August first, until the credit determined as above prescribed shall have been paid in full; provided, that if such payments by any county or defined road district shall have been made upon indebtedness which has not yet been retired in full, the said Board may make adjustments for

such payments by increasing the percentage of such indebtedness which thereafter will participate in the County and Road District Highway Fund. The Board shall make no such prorata payment during any year unless, and until, it shall have made adequate provision to pay out of the Fund for that year all principal and interest requirements for all eligible Class 'A' indebtedness. Nothing in this subsection shall apply insofar as the said Board has previously made adjustments for such payments by any county or defined road district.

"Sec. 6a: All bonds heretofore issued by Navigation Districts of this State, which mature on or after January 1, 1933, and insofar as amounts of same were issued for and the proceeds thereof actually expended in the construction of bridges across any stream or streams or any other waterways upon any highway that constituted and comprised a part of the system of designated State Highways on September 17, 1932, shall hereafter be included within and eligible under the provisions of Chapter Thirteen of the Acts of the Forty-second Legislature of Texas, passed at its Third Called Session, as amended by the Acts of the Forty-third Legislature of Texas, Regular Session, to the extent that the proceeds of the sale of said bonds shall have been actually expended in the construction of such bridges; and in such cases the outstanding bonds of said Navigation Districts in an amount equal to the amount so expended by such navigation districts shall be redeemed under the same conditions as is provided by said Chapter Thirteen, Acts of the Forty-second Legislature of Texas, Third Called Session, as amended by the Acts of the Forty-Third Legislature of Texas, Regular Session, for the redemption of County and Road District Bonds.

"Sec. 6b: It is expressly provided that the Board of County and Road District Bond Indebtedness shall not be authorized to give the bonds herein (in Sections 6a and 6b) referred to, preference over other bonds eligible under said Bond Act; and it is further expressly provided that said Board in determining the amount of bonds eligible for assumption shall take into consideration the amount of the bond money expended for the

construction of said bridge and the balance due on said amount of bonds used in the construction of said bridge at the effective date of the Act incorporating said Section 6a and 6b, viz: Chapter 146, Acts of the Regular Session of the Forty-fifth Legislature; and in no event shall said Board be authorized to assume in excess of the balance due on the bonds for the said bridge construction at the effective date of this bill.

"Sec. 7. No provision of this Act shall be construed to authorize the giving or lending of the credit of the State to any county or district or to pledge the credit of the State in any manner whatever for the payment of any of the outstanding road indebtedness herein referred to of the counties or districts of the State. It is hereby declared that all eligible indebtedness, as herein defined, shall remain indebtedness of the respective counties or defined road districts which issued it and said counties or defined road districts shall remain liable on said indebtedness according to its terms and tenor; and it is not the purpose or intention of this Act, or any part hereof, to obligate the State of Texas directly or indirectly or contingently, for the payment of any such obligations or that the State of Texas should assume the payment of said obligations, and this Act is not to be construed as obligating the State of Texas to the holders of any of said obligations to make any payment of the same, or any part thereof, nor shall such holders have any rights to enforce the appropriation of any of the moneys hereinabove provided for, nor shall any provision hereof constitute a contract on the part of the State to make money available to any county for the construction of Additional Lateral Roads, but the provisions hereof are intended solely to compensate, repay and reimburse said counties and districts for the aid and assistance they have given to the State in furnishing, advancing and contributing money for building and constructing State Highways and lateral roads, to provide for the used and application by said counties and districts of the moneys which they may receive under the provisions of this Act, and under the circumstances prescribed

in this Act to provide additional money to counties for the construction of Additional Lateral Roads. Without seeking to bind succeeding Legislatures to the policy of utilizing one cent of the gasoline tax to compensate and reimburse counties and defined road districts for performing functions resting on the State, making such money available to pay eligible indebtedness of such counties and defined road districts, and under the circumstances prescribed making money available to counties for the construction of Additional Lateral Roads, this Act will afford the relief intended during the period for which succeeding Legislatures continue to appropriate such money for such purposes, and is designed to provide for the orderly retirement of all of such eligible indebtedness if such funds are made available for the purpose for a period of twenty-five years, and during such period to permit the construction of Additional Lateral Roads by counties having a relatively small amount of eligible indebtedness.

"Section 8. If succeeding Legislatures shall continue to carry out the policy herein defined by authorizing a similar appropriation of Funds from time to time, (a) then whenever the interest and principal necessary to retire the outstanding Class 'A' indebtedness owed for designated State Highways shall have been fully paid as herein provided, as to, or for any county or defined road district according to the provisions of this Act, then and in that event, the title and possession of all roads, roadbeds, bridges and culverts, in such county or defined road district which are included in the system of designated State Highways, shall automatically vest in fee simple in the State of Texas, and in the event of any subsequent physical change therein, such title and possession shall extend to any such change so made; and (b) whenever the interest and principal necessary to retire the outstanding Class 'B' indebtedness owed for lateral roads shall have been fully paid as herein provided, as to, or for any county or defined road district according to the provisions of this Act, then and in that event, the title of

all roads, roadbeds, bridges and culverts, in such county or defined road district pertaining to the lateral roads, constructed with the proceeds of such Class 'B' indebtedness, shall automatically vest in the State of Texas, but the possession thereof shall remain in such County or defined road district, and in the event of any subsequent physical change therein, such title and possession shall extend to any such change so made; provided that when the right of way, or any part thereof, pertaining either to a State Highway or a lateral road, has been abandoned because of the abandonment of such road for all public road purposes, and such right of way, or any part thereof, was donated by the owner of the land for right of way purposes, then and in that event the title to said right-of-way shall vest in said owner, his heirs or assigns; provided, however, that nothing in this Act shall prevent the State Highway Commission from changing or abandoning any State Highway, and if the Commission shall change or abandon any State Highway in any county, the Commissioners' Court of such county shall have the right to assume jurisdiction over such portion of such highway so abandoned by the State Highway Commission. Likewise, the title to Additional Lateral Roads when constructed shall vest in the State of Texas. Provided, however, that this Act neither imposes the obligation on, nor confers the right in the State of Texas, to maintain or operate any roads except those constituting a part of the designated State Highway System as hereinabove in this Act defined. The obligation to operate and maintain all other roads, including Lateral Roads and Additional Lateral Roads as defined in this Act, shall remain undisturbed in the several Commissioners' Courts of the State.

"Sec. 9. If any one or more of the provisions of this Act or the application of such provisions to any person or situation shall for any reason be held to be invalid, such invalidity shall not affect any other provision of this Act or the application of such provisions to any other person or situation, but this Act shall be construed and enforced as if such

invalid provision had not been contained therein.

"Sec. 10. The provisions of Chapter 13, Acts of the Third Called Session of the Forty Second Legislature and Acts amendatory thereof and supplemental thereto, shall remain in full force and effect as to the use of said Fund at all times prior to and including December 31, 1939. No part of said Fund shall be used to pay the principal or interest on Class 'B' indebtedness nor shall any money be forwarded to counties for the construction of additional Lateral Roads, prior to January 1, 1940. It is not the intent of this Act to repeal any of the provisions of said Act and amendments thereto until the provisions of this Act become fully operative on January 1, 1940. The State Board of County and District Road Indebtedness will have been abolished as soon as the State Board of Road Indebtedness authorized hereunder shall have been constituted, and said Board shall continue to make disbursements of said Fund on indebtedness, eligible under laws existing at the time this Act becomes effective and from and after January 1, 1940, shall continue to expend said Fund under the provisions of this Act. Said Board immediately after the passage of this Act, shall proceed to do all things necessary to enable it to make disbursement of funds to service indebtedness and for construction of Additional Lateral Roads, on and after January 1, 1940, in accordance with this Act. In the event an amendment to the Constitution should be adopted having the effect of making a designated part of the moneys collected on the business of selling gasoline, available for the payment of said eligible indebtedness, the provisions of this Act shall afford the machinery for carrying out such amendment to the extent that such provisions are not in conflict with said amendment and until otherwise provided by the Legislature.

"Sec. 11. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

"Sec. 12. The short title of this Act shall be 'The Road Indebtedness Act of 1939.'

"Sec. 13. The fact that counties and defined road districts of this State should be given as soon as practicable the compensation, reim-

bursement and relief provided in this Act, creates an emergency and an imperative public necessity that the Constitutional Rule, requiring bills to be read on three several days in both Houses, be suspended, it is hereby suspended, and that this Act take effect and be in force from and after its passage and it is so enacted."

Mr. Allison moved to table the substitute amendment by Mr. Keith.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—59

Allen	Hunt
Allison	Isaacks
Bailey	Kersey
Baker	Kinard
of Fort Bend	King
Blankenship	Lehman
Bond	Leyendecker
Boyer	Little
Bradbury	London
Bridgers	McMurry
Bundy	Mohrmann
Burney	Monkhouse
Cauthorn	Montgomery
Chambers	Nicholson
Cockrell	Petsch
Coleman	Pevehouse
Cornett	Reed
Dean	Riviere
Dickson	Roberts
Donaghey	Schuenemann
Felty	Skiles
Fuchs	Smith of Frio
Gilmer	Stinson
Goodman	Stoll
Hardeman	Tarwater
Harp	Taylor
Harris	Vint
Hartzog	Winfree
Heflin	Worley
Howington	Wright

Nays—82

Alsup	Brown
Anderson	of Nacogdoches
Baker of Grayson	Burkett
Bell	Celaya
Boethel	Clark
Boyd	Cleveland
Bradford	Colquitt
Bray	Colson, Mrs.
Broadfoot	Corry
Brown of Cherokee	Crossley

Davis of Jasper	McFarland
Davis of Upshur	McNamara
Dickison	Morris
Dwyer	Newell
Faulkner	Oliver
Ferguson	Pace
Fielden	Piner
Galbreath	Pope
Gordon, Mrs.	Reader of Bexar
Hale	Reader of Erath
Hamilton	Rhodes
Hankamer	Roach
Hardin	Robinson
Harper	Russell
Harrell of Bastrop	Segrist
Harrell of Lamar	Shell
Holland	Smith of Hopkins
Howard	Smith
Hull	of Matagorda
Johnson of Ellis	Spencer
Johnson of Tarrant	Talbert
Keith	Tennant
Kennedy	Thornberry
Kern	Turner
Kerr	Vale
Langdon	Waggoner
Leonard	Weldon
Lock	Wells
Mays	Westbrook
McAlister	White
McDaniel	Wilson
McDonald	Wood

Present—Not Voting

Daniel

Absent

Loggins
Ragsdale

Thornton
Voigt

Absent—Excused

Derden
Dowell

Reaves

Mr. Stinson offered the following amendment to the substitute amendment, by Mr. Keith:

Amend Keith substitute, Section 6, Subsection (g), page 11, line 10, by inserting after the word "available," and before the figure (1), the following: "and shall be allocated to each county on the basis hereinafter set out."

Mr. Hale raised a point of order, on further consideration of the amendment by Mr. Stinson, at this time, on the ground that it is not in order to amend the substitute amendment at this time.

The Chair sustained the point of order.

Mr. Kinard moved that further consideration of House Bill No. 688 be postponed until 10:30 o'clock a. m., next May 1.

Mr. Brown of Cherokee moved to table the motion to postpone.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—96

Allen	Howington
Alsup	Hull
Anderson	Hunt
Bailey	Isaacks
Baker	Johnson of Ellis
of Fort Bend	Keith
Baker of Grayson	Kern
Boethel	King
Bond	Lehman
Boyd	Leonard
Boyer	Leyendecker
Bradford	Little
Bridgers	Lock
Broadfoot	Loggins
Brown of Cherokee	London
Brown	Mays
of Nacogdoches	McAlister
Bundy	McDonald
Burkett	McNamara
Cauthorn	Mohrmann
Celaya	Montgomery
Chambers	Morris
Clark	Newell
Cleveland	Oliver
Cockrell	Pace
Coleman	Petsch
Colquitt	Roach
Colson, Mrs.	Roberts
Cornett	Russell
Crossley	Segrist
Daniel	Smith of Frio
Davis of Upshur	Smith of Hopkins
Dwyer	Smith
Faulkner	of Matagorda
Ferguson	Spencer
Fielden	Stinson
Fuchs	Stoll
Gilmer	Talbert
Gordon, Mrs.	Tarwater
Hale	Tennant
Hamilton	Thornberry
Hankamer	Turner
Hardeman	Waggoner
Hardin	Weldon
Harp	Westbrook
Harper	Wilson
Harrell of Bastrop	Winfree
Harrell of Lamar	Wood
Heflin	Worley
Holland	

Nays—43

Allison	McDaniel
Bell	McFarland
Blankenship	McMurry
Bradbury	Monkhouse
Bray	Nicholson
Burney	Pevehouse
Corry	Piner
Davis of Jasper	Reader of Bexar
Dean	Reader of Erath
Dickison	Reed
Dickson	Rhodes
Felty	Riviere
Goodman	Robinson
Harris	Schuenemann
Hartzog	Shell
Howard	Skiles
Johnson of Tarrant	Taylor
Kennedy	Vale
Kerr	Vint
Kersey	Wells
Kinard	White
Langdon	

Present—Not Voting

Galbreath

Absent

Donaghey	Thornton
Pope	Voigt
Ragsdale	Wright

Absent—Excused

Derden	Reaves
Dowell	

Mr. Hankamer raised a point of order, on further consideration of the amendment by Mr. Keith, at this time, on the ground that the substitute amendment is not in order until the pending amendment has been perfected.

Question—Shall the point of order be sustained?

RELATIVE TO HOUSE BILL NO. 981

Mr. Bailey asked unanimous consent of the House, to amend the emergency clause of House Bill No. 981 amended to include the words: "and this Act shall take effect and be in force from and after its passage."

There was no objection offered and it was so ordered.

RELATIVE TO HOUSE BILL NO. 987

On motion of Mr. Taylor, and by unanimous consent of the House, the

caption of House Bill No. 987 was ordered amended to conform to all changes, and with the body of the bill.

RELATIVE TO HOUSE BILL NO. 971

On motion of Mr. White, and by unanimous consent of the House, the following amendment was ordered adopted to House Bill No. 971:

Amend House Bill No. 971, by changing the figures from "1943," to "1941."

HOUSE BILL ON FIRST READING

Mr. Boyd asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1013.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Boyd:

H. B. No. 1013, A bill to be entitled "An Act amending Article 3712 of the Revised Civil Statutes of Texas, 1925, providing for the appointment of interpreters and providing for the qualifications of those acting as interpreters, and declaring an emergency."

Referred to the Committee on Judiciary.

ADJOURNMENT

Mr. Reed moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Anderson moved that the House recess until 10:00 o'clock a. m., tomorrow.

The motion to adjourn prevailed, and the House, accordingly, at 10:40 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Highways and Motor Traffic: Senate Bill No. 440.

Education: Senate Bill No. 443.

The Committee on Appropriations filed an adverse report on House Bill No. 983.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 933, A bill to be entitled "An Act making an appropriation for the next biennium, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; making allocations of said appropriation, setting forth the benefits thereof; authorizing aid to such schools in accordance with the conditions specified herein; providing for the maintenance for a certain length of term of all schools meeting the requirements of this Act; providing for the payment each year of the biennium of high school tuition for rural school pupils; providing for the payment of Transportation Aid under certain conditions; specifying the penalties for violation of any provision of this Act; declaring it to be unlawful for any agent or employee of the State to violate any provision of this Act, and prescribing the punishment therefor; providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under authority of the State Superintendent of Public Instruction under the direction of the Supervisory Board as provided for in this Act; authorizing the State Superintendent of Public Instruction, under the direction of the Supervisory Board as provided for in this Act, to administer the funds appropriated herein; providing purposes for which funds appropriated hereunder may be used; providing for the method and manner of appointing certain employees; providing for application for aid, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 111, Requesting the Governor to return House Bill No. 166 to the House for a correction of a clerical error.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 810, A bill to be entitled "An Act amending Article 5954 of the Revised Civil Statutes of 1925 and requiring Notaries Public to print or stamp their name under their signatures whenever same is written in their official capacity, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 793, A bill to be entitled "An Act amending Section No. 6 of Article 760 of the 1925 Revised Civil Statutes of Texas, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 672, A bill to be entitled "An Act fixing salaries and compensation of County Commissioners in counties with a population of not less than fourteen thousand, nine hundred and one (14,901) inhabitants nor more than sixteen thousand and one (16,001) inhabitants, according to the last Federal Census, as same now exists or may hereafter exist, and having an assessed valuation of not less than Seven Million, Four Hundred and

Thirty-six Thousand (\$7,436,000.00) Dollars, nor more than Eight Million (\$8,000,000.00), Dollars, according to the last approved tax rolls, as same now exists or may hereafter exist; providing for the manner of payment of the salaries and the funds from which said salaries shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 412, A bill to be entitled "An Act to amend Article 4399 of the Revised Civil Statutes of Texas (1925) more clearly defining some of the duties of the Attorney General and imposing other and additional duties upon such Officer, and providing an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 856, A bill to be entitled "An Act declaring the sovereignty of Texas along its seacoast, fixing its present seacoast boundary and ownership; fixing the limits and boundaries of each of the seacoast counties in the waters within such boundary; making said waters a part of the area of the various seacoast counties for all proper jurisdictional purposes, and creating an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 218, A bill to be entitled "An Act to amend Article 570, Penal Code of the State of Texas of 1936, changing the penalty for the violation of Article 568 of the Penal Code of the State of Texas, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 904, A bill to be entitled "An Act providing that all counties within this State, having a population in excess of fifty thousand inhabitants may, upon an order being made by its Commissioners' Court for this purpose, provide for and maintain a county law library; providing for the funds for said library; granting to said Court all necessary power and authority to make this Act effective; providing that said Act shall be cumulative, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 164, A bill to be entitled "An Act relating to the suspension of sentence in misdemeanor cases; providing for suspension of sentence in misdemeanor cases on application of defendant and recommendation of the jury where the evidence shows no prior conviction of either felony or misdemeanor; providing for suspension in trial before the court without jury and providing testimony as to general reputation may be heard on request of defendant; providing for judgment in such cases that sentence shall be suspended during good behavior and defining 'Good Behavior' and providing court shall have the right to require defendant to report to the court and make other reasonable requirements during such suspension; providing court shall have the power upon failure of the defendant to comply with such requirements to arrest the defendant and reimpose such sentence; providing procedure as to suspended sentence in misdemeanor cases; permitting proof of general reputation on the request of the defendant; providing in case of such suspension, such conviction shall not be inquired into and shall

not become final except as provided by law; providing for method of making suspended sentences final and providing it shall be cumulative of punishment in any subsequent conviction during such suspension; providing that at the expiration of such suspended sentence, on proof that the defendant has not again been convicted and on motion of defendant he shall be granted a new trial and the case dismissed. And that after such dismissal, same shall not again be inquired into except where the defendant at a later date invokes the benefit of this law; providing that where sentence is suspended the defendant shall be released on his recognizance, declaring the legislative intent, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 20, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 934, A bill to be entitled "An Act providing for the consolidation of corporations organized under Subdivision 81 of Article 1302 of the Revised Civil Statutes of 1925, and for the consolidation of such a corporation with similar corporations organized under the laws of the United States or any State or Territory for similar purposes; and providing for the agreement of consolidation and the manner of its approval; and for filing and recording of the articles of consolidation; and providing that nothing hereunder may modify or repeal the laws of this State relating to monopolies or trusts; and providing for the payment of supplemental franchise tax in the event said consolidation shall increase the capital stock over that of the consolidated corporations, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 20, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 471, A bill to be entitled "An Act to require manufacturers of

boots or shoes to stamp on the outside sole of said boots or shoes, where and by whom made and what substitute for leather, if any, was used; and to require the dealer in boots or shoes to stamp in like manner as above mentioned; providing that this Act shall not apply to the manufacture or sale of rubber boots or shoes or rubber or wood heels or steel shanks used in manufacturing shoes, and that this Act shall not apply to dealers unknowingly selling boots or shoes imperfectly stamped in violation of this Act; fixing penalty for violation of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 20, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 583, A bill to be entitled "An Act to amend Chapter 8, Trial of Causes, Subdivision 4, Charge of the Court, Articles 2184, 2185, 2186, 2187, 2188, 2198 and 2190, of the Revised Civil Statutes of Texas, 1925, with respect to the charge of the court to the jury in the trial of civil cases, providing that every civil case tried before a jury in the District or County Court shall be upon a written charge prepared for submission for a general verdict or for a finding upon special issues; that the method of submission shall be at the option of the Judge, except when one of the parties request the submission upon special issues; providing the requisites of such charge; providing for the review of the court's action with respect thereto; providing for the submission of special charges with respect to instructions, definitions, explanations or issues regulating the procedure; providing for objections to the court's charge and regulating the procedure with respect thereto; providing for the submission of special issues, authorizing requests therefor and regulating the procedure with respect thereto; providing the penalty of waiver for violations of the requirements of the Act with respect to the submission and prescribing the rule of presumptions on appeal; declaring the rule of reversal of judgments of the trial court and declaring

procedure with respect thereto on appeal; containing a saving clause with respect to cases finally tried prior to the effective date of this Act; repealing all laws and parts of laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 24, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 931, "An Act to increase the criminal jurisdiction of the Seventy-sixth Judicial District Court of Morris County, transferring all criminal cases on the docket of the County Court to the docket of the District Court at the time of the passage of this Act, and to conform the jurisdiction of the County and Justice Courts of said County to such change; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, April 24, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 110, Recalling House Bill No. 84 from the Governor's office for further consideration.

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, April 24, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 111, Requesting the Governor to return House Bill No. 166 to the House for correction of a clerical error.

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

SENT TO THE GOVERNOR

April 24, 1939

House Bill No. 931.

House Bill No. 948.

House Bill No. 953.

House Concurrent Resolution No. 111.

House Concurrent Resolution No. 110.

SIXTY-SECOND DAY

(Tuesday, April 25, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Dickson
Allen	Donaghey
Allison	Dowell
Alsup	Dwyer
Anderson	Faulkner
Bailey	Felty
Baker	Ferguson
of Fort Bend	Fielden
Baker of Grayson	Fuchs
Bell	Galbreath
Blankenship	Gilmer
Boethel	Goodman
Bond	Gordon, Mrs.
Boyd	Hale
Boyer	Hamilton
Bradbury	Hankamer
Bradford	Hardeman
Bridgers	Hardin
Broadfoot	Harp
Brown of Cherokee	Harper
Brown	Harrell of Bastrop
of Nacogdoches	Harrell of Lamar
Bundy	Harris
Burkett	Hartzog
Burney	Heflin
Cauthorn	Holland
Celaya	Howard
Chambers	Howington
Clark	Hull
Cleveland	Hunt
Cockrell	Isaacks
Coleman	Johnson of Ellis
Colquitt	Johnson of Tarrant
Colson, Mrs.	Keith
Cornett	Kennedy
Corry	Kern
Crossley	Kerr
Davis of Jasper	Kersey
Davis of Upshur	Kinard
Dean	King
Derden	Langdon
Dickison	Lehman